

# Law Enforcement News

Vol. XXV, Nos. 511, 512

A publication of John Jay College of Criminal Justice/CUNY

May 15/31, 1999

## In this issue:

**Around The Nation:** A coast-to-coast roundup of police news. **Pages 2, 3.**

**People & Places:** Taking it personal in Littleton; TV crimefighter is cul down; belated honors; DEA museum is something to snort about; guns from the sky. **Page 4.**

**Painful admission:** Hartford chief admits to racism in the department. **Page 5.**

**Castling a wider net:** Running from the law gets harder in KC. **Page 5.**

**Anteing up:** Union banks on better educated cops. **Page 5.**

**Change of tune:** With prisons crammed, drug treatment gets a second look as alternate sanction. **Page 6.**

**Counterfeiters' best friend:** The advantage of sophisticated computers, printers & copiers. **Page 6.**

**"I cannot tell a lie":** Even if you could, would a cop be able to tell the difference? **Page 7.**

**Change of tune, Part II:** Canadian chiefs say it's time for marijuana decrim. **Page 7.**

**LEN interview:** Prof. George Kelling, co-author of "Fixing Broken Windows." **Pages 8-11.**

**Advice & consent:** New Jersey avoids a civil rights suit over racial profiling. **Page 12.**

**A group of their own:** NJ's minority troopers say their union doesn't represent them. **Page 12.**

**Forum:** After Littleton, we're all on the hook; confronting school violence by doing what works. **Page 13.**

**Upcoming Events:** Opportunities for professional development. **Page 15.**

## College degrees & race bias

### Suit says NJSP requirement slams door on minority groups

The question of college education for police, an oft-debated ideal that has loomed over the profession for decades, is under scrutiny once again, and for all-too-familiar reason: the assertion that requiring police to have a college degree discriminates against minority groups.

The latest challenge has arisen in New Jersey, where the state chapter of the NAACP claims that a four-year college degree requirement for all State Police candidates is not job-related and disproportionately excludes black and Hispanic applicants.

The requirement was implemented in 1993 after the U.S. Justice Department lifted a consent decree mandating increased minority hiring.

According to a lawsuit filed in 1996 and now making its way through Mercer County Superior Court, African American and Latino representation in the State Police Academy classes has plummeted as a result of both the college requirement and a new written examination, which NAACP attorneys claim cuts a pool of applicants that is 20 percent minority to less than 8 percent.

In the two academy classes prior to 1993, according to the suit, 22.5 percent of those qualified to take the agency's written examination were African American and 9.4 percent were Latino. In the first three classes after the consent decree was lifted, however, blacks made up just 14.8 percent of those qualified to take the test, and Hispanics 6.7 percent.

Minorities made up 14.1 percent of the State

Police ranks in March 1998, it said, but the next year that figure had fallen to 13.8 percent, and that percentage is seen likely to continue to decrease if more minorities fail to graduate from the academy.

"The overall effect of the State Police recruiting and selection process has been to

**Dodging a bullet:** The NJSP enters a consent decree to avoid a Federal civil-rights lawsuit over racial profiling. **Page 12.**

reduce African American representation among members of the 114th, 115th and 116th classes from more than 22 percent of the qualified candidate pool to 6 percent of those hired," said the suit. "Hispanic representation was reduced from over 9 percent of those in the qualified candidate pool to 3 percent of those hired."

David Rose, who imposed and enforced the 1975 decree before his retirement from the Justice Department's Civil Rights Division in 1987, and who is now representing the NAACP, noted that in order to make something a prerequisite, an organization must first show that most of those who do not qualify under the new standard are unable to do the job. That is not true in this case, he told *The Philadelphia Inquirer*, noting that some of the highest-ranking members of the New Jersey State Police did not have a college education when hired. In fact, he claimed, no other state police agency has such a requirement.

However, the U.S. Supreme Court did let stand a lower court's ruling in a similar case more than a decade ago, which found while there may have been statistical discrimination in a 45-semester-hour college requirement implemented by the Dallas Police Department, it was not appropriate to abolish it in order to achieve racial equity within the agency.

An expert witness in that case, Dr. Gerald Lynch, president of John Jay College of Criminal Justice in New York, added that a study by the New York Police Department done a number of years ago had shown that 26 percent of blacks had attended college as compared with 22 percent of whites. "It was then that [then-Police Commissioner] Ben Ward was willing to consider higher education requirements for promotion," he told *Law Enforcement News*.

Two major black law enforcement organizations, the Guardians and the National Organization of Black Law Enforcement Executives, support those higher education requirements in New York, Lynch said, because they do not believe it will discriminate against African Americans. "It's a stalking horse that is actually erroneous," he said. "It sounds like it makes sense, but if you look at the facts, it doesn't really pan out."

A college-based police cadet program, which ultimately brings in more minorities and women than any other recruitment source, is the best way to go, said Lynch. "I believe the answer to all of

*Continued on Page 12*

## Life after Diallo: Officials ponder why NYPD arrest numbers are down

Although a cause-and-effect scenario seems to be at work in the declining number of arrests made in New York City since the fatal shooting in February of Amadou Diallo, law enforcement and city officials continue to search for a theorem that would explain what, if anything, is affecting job performance.

Within weeks of the Diallo incident, in which four plainclothes officers fired 41 times at the unarmed street peddler, Mayor Rudolph Giuliani announced a 62-percent decrease in the number of

arrests being made by the department's Street Crime Unit. Citing statistics supplied by Police Commissioner Howard Safir, Giuliani said that from Feb. 4 to March 24, Street Crime officers made 291 arrests, down from 705 during the same period in 1998 and 775 the previous year. Stop-and-frisk reports also fell dramatically, from 27,061 in 1998 to just 3,502 in the first 10 weeks of this year.

The decreased arrests were the most conspicuous in those neighborhoods where the Street Crime Unit had been

the most active.

As the number of arrests dropped, violent crime appeared to be creeping back up as well. For example, six shooting incidents occurred during a four-week period in the 83rd Precinct in Brooklyn — up from two during the same period last year. The number of shooting incidents nearly doubled, from five to eight, during that same period in March in the 75th Precinct in East New York.

The Street Crime Unit itself has undergone a series of reforms in the face of the storm of harsh criticism and protest that followed the Diallo shooting. Placing the plainclothes officers in uniform was just one of the changes ordered by Safir in March. The overwhelmingly white unit also became a little less so, after 50 minority officers were transferred in and 50 white officers were reassigned to robbery squads.

Safir also named a veteran black police official, Deputy Insp. Robert L. Wheeler, 42, to the Street Crime Unit's No. 2 post. Wheeler, an 18-year veteran, was commanding officer of the 60th Precinct in Coney Island before being promoted to deputy inspector in March. Of the department's 117 deputy inspectors, he is one of just nine who is not white.

Wheeler told *The New York Times* that he did not know whether his ap-

pointment had anything to do with race or the Diallo shooting, but said he would examine the unit's recruitment process and review training procedures that have come under fire for being culturally insensitive. At the same time, Wheeler said, he would try to maintain the unit's effectiveness at keeping guns off the streets.

One of the more controversial changes made to the Street Crimes Unit was giving all of its members a blanket upgrade in rank and a \$1,000 pay raise. The action angered some police groups, including the Latino Officers Association, which said the promotions to detective-specialist serve to "cheapen" the value of the gold shields earned by officers in narcotics, auto crimes and other units. Officers in the narcotics unit must work at least 18 months before winning a detective's shield.

Up until the promotions, the rank of detective-specialist was limited to officers with excellent service records or with specific technical expertise. According to police figures, there were just 146 detective-specialists in the entire department, compared with 25,399 individuals who hold the rank of police officer. The promotions mark the first time in the department's history that an entire unit has been upgraded.

All Street Crimes Unit officers, no  
*Continued on Page 14*

## NYPD's "streetwise" cultural sensitivity training gets renewed impetus

Cultural sensitivity training for rookie police officers in New York City had been in place well before the fatal shooting of Amadou Diallo in February, but in the wake of that incident a five-part curriculum developed by a public/private partnership has been raised to perhaps an even higher level of importance.

The training program, called "Streetwise: Language, Culture and Police Work in New York City," is now in its second year of funding by

the Justice Department. The curriculum was created under the auspices of the New York State Regional Community Policing Institute (RCPI), one of 27 such institutes around the nation that enhance and provide training in community oriented policing and cultural diversity.

More than 2,500 NYPD rookies and in-service personnel — including some officers with the Street Crime Unit, which has been harshly criticized in the aftermath of the Diallo case — under-

went the one-day training between April and May. In addition to providing a card that can be inserted into the officers' books containing basic expressions in Spanish, Haitian Creole, Russian and Mandarin Chinese, the curriculum includes a series of handouts that explore the cultural dimensions of each group and various city neighborhoods, along with an audio tape.

A fifth component, the African-  
*Continued on Page 14*



# Around the Nation

## Northeast



**CONNECTICUT** — Two brothers, Russell and Adrian Peeler, have been charged with the Jan. 7 murders of Leroy Brown Jr., 8, and his mother, Karen Clarke, 29. The young boy was due to testify as a witness against Russell Peeler for the 1998 slaying of his mother's fiancé, Rudolph Snead Jr.

A rookie Meriden police officer who shot and killed a knife-wielding man on May 10 has been placed on administrative leave. Investigators will determine whether Officer Patrick Gaynor used excessive force as one of the officers who attempted to subdue Antonio Antolini, 36, after Antolini lunged at police with a small knife.

Officer Robert C. Allan's contention that he was fired upon before fatally shooting a 14-year-old robbery suspect on April 13 gained credence when North End residents reported hearing two shots. Allan fired only once at Aquan Salmon after chasing several youths who allegedly robbed a woman. No firearm was recovered at the scene.

**DISTRICT OF COLUMBIA** — A summer crime wave has prompted police to send 100 officers into neighborhoods severely affected by violence.

**MAINE** — Gov. Angus King appears set to approve a bill that would make it a crime to misuse laser pointers. Those convicted would face fines of up to \$2,000 or as much as 364 days in jail.

An injured Sanford police officer, Matthew Gilman, 29, was found wandering the streets of Portland on May 4 after being treated at a hospital for a beating made with his own metal flashlight. Gilman, who appeared disoriented when police found him, had walked out of the hospital after being in a coma for two days. James Nolan, 19, was charged in the attack.

**MARYLAND** — Purported shipments of perfume that arrived irregularly and secretly late at night at a Jessup warehouse turned out to be marijuana deliveries made by the ton. The last of

three suspects who had been arrested last December pleaded guilty in the case on April 20. Norah Yahya, 33, Devon Brooks, 31, and Keith Budd, 25, admitted guilt in connection with over two tons of marijuana distributed by the fictitious Ace International warehouse.

**MASSACHUSETTS** — Following a battle in Supreme Judicial Court over privacy rights, the state successfully opened its DNA data base, which will house blood samples collected from convicted criminals.

**NEW JERSEY** — Nick Agathos, a former Secaucus police officer and mob informant, has said he will not testify in the trial against reputed members of the Genovese family. He said he had been treated poorly by the state's witness protection program and was kicked out of the program. State officials said the 50-year-old Agathos left the program on his own.

Two days before rumors of a bomb threat forced the closing of schools in Phillipsburg, a man had two fingers blown off by a pipe bomb he was apparently constructing at the home of his fiancée. Wesley Cummins, 22, of Easton, Pa., was hospitalized in satisfactory condition. It was unclear if the pipe-bomb incident and the rumor that closed the schools were related.

The family of a black woman shot to death by former New Brunswick police officer James Consalvo has objected to Consalvo's \$37,000 annual pension. Consalvo resigned in 1997 after shooting Carolyn Adams, 39, an alleged prostitute, when she bit his finger and refused to let go. A state grand jury cleared him of wrongdoing, but the family charges that he should not receive the pension.

Condell Woodson pleaded guilty on May 12 to murder and robbery charges in the case of Orange Police Officer Joyce Anne Carnegie after she stopped him on April 8 in connection with a robbery investigation. Woodson, 25, had recently been sentenced to three months in a Georgia corrections camp for robbery and assault. [See LEN, April 30, 1999.]

Confidence in New Jersey State Police is reportedly eroding among blacks. A

recent poll showed that 84 percent of whites approved of state trooper conduct, but only 31 percent of blacks felt the same way.

**NEW YORK** — During the first two months of the New York City Police Department's car-seizure initiative for drunken-driving arrests, almost nine out of 10 arrests at police checkpoints were made in black and Hispanic neighborhoods. An analysis by *Newsday* of 673 arrests in the crackdown disturbed some citizens who believe racial profiling is driving police tactics. Police said they are not targeting minority and poor neighborhoods, and that checkpoints are set up at the patrol borough and precinct levels.

Crime in New York City subways dropped significantly during the first quarter of the year, continuing an eight-year decline. Despite two sensational crimes involving the riders being shoved in front of oncoming trains, police said, the most common crimes, such as pickpocketing and assault, have dropped sharply. The system's 3.4 million daily riders sustained an average of 4.6 robberies a day, a drop of 17 percent from the same period last year.

A Brooklyn high school student was robbed by a husband and wife team who posed as police officers. Juan Monserrate, 34, and Maribel Monserrate, 33, were arrested May 11 on charges that they approached a 17-year-old student at the Poly Prep Country Day School, displayed guns and demanded the youth's money. Within minutes bona fide officers spotted the couple, who are wanted as suspects in at least two similar robberies.

Three New York City police officers have been charged with abuse of force in connection with the alleged terrorizing of a Brooklyn youth counselor in 1997. Officers Michael Meyer and Michael Vultaggio were charged with abuse of force on duty for detaining Marvin Redhead after stopping him and allegedly threatening him in a vacant lot. Officer Adam Schachtel was charged with performing an improper stop and frisk, discourtesy and abuse of force on duty. All three officers were placed on modified assignment.

According to the state Division of

Criminal Justice Services, marijuana accounted for one of every 10 arrests made by the New York City Police Department in 1998. There were 43,041 arrests for marijuana offenses last year, with 34,319 for possession and 8,722 for sales.

A grand jury on May 27 declined to indict Craig Yokemick, a New York City officer who allegedly fatally injured a drug suspect by throwing his police radio at the fleeing suspect's head. The suspect, Kenneth Banks, died of a skull fracture sustained in the Oct. 29 incident. The grand jury reportedly agreed that the officer was justified in the degree of force used in the effort to apprehend Banks.

New York City Police Officer Vincent Contini, 39, was arrested May 13 on charges that he and his unit of officers regularly seized goods from street peddlers and then resold the merchandise. Contini, who served as an informer about the scheme, faces up to 11 years in prison if convicted on charges of grand larceny and tampering with public records.

State officials say they might seek to allow local jails to impose a \$5 penalty each time an inmate violates a rule. The \$5 penalty was adopted for the state prison system in 1992, and since then has generated more than \$2.7 million. New York City has adopted the program for its 14 jails, although correctional officials admitted they did not know how successful the penalties had been in deterring inmates' bad behavior.

An internal affairs investigation has begun into allegations that a mole in the New York City Police Department helped the killer of an officer evade arrest for more than a decade. The alleged killer, Henry Vega, 33, was apprehended in an undercover scheme on May 5 and was to be charged with the 1987 murder of Officer George Scheu. Police said Vega had eluded arrest in such uncanny ways that he almost certainly had inside knowledge of the case.

Richard Molloy, an ex-New York City police officer convicted in the off-duty shooting death of an Irish immigrant, was sentenced May 12 to a maximum term of up to 12 years in prison. The

33-year-old officer was convicted last month of second-degree manslaughter for the 1996 killing of Patrick Phelan.

Twenty-three members of a Mineola street gang were arrested May 12, and another 12 were being sought following their indictments on charges of drug possession and sale, possession of illegal guns and selling stolen cars. Some of the charges, which capped a year-long undercover operation, stemmed from a \$26,000 cocaine sale to detectives on May 11 by members of the Mara Salvatrucha Street Gang.

**PENNSYLVANIA** — Philadelphia Police Officer Carl Selby was convicted of first-degree murder in the 1997 death of his wife as she slept in their home. Selby will automatically be sentenced to life in prison.

## Southeast



**ARKANSAS** — Two white supremacists, Chevie Kehoe and Daniel Lee, both 26, were convicted May 4 of murder, conspiracy and racketeering charges in the 1996 killing of an Arkansas gun dealer and two members of his family. Kehoe was given three life sentences without parole for the death of William Mueller, Mueller's wife and her 8-year-old daughter. Lee had yet to be sentenced. The two had been part of a scheme to create a whites-only republic in the Pacific Northwest.

**FLORIDA** — A legislative report has called for dismantling the state registry for those working in nursing homes, on grounds that the system is ineffective and costly. The report says that background checks to prevent elder abuse can be handled by other state agencies.

Seminole County Sheriff Don Eslinger said that a woman acted in self-defense when she shot and killed a stalker on May 10. Elizabeth MaGruder, 50, shot Donald Cook, also 50, after Cook entered her house and shot at both her and her husband. MaGruder was wounded in the abdomen and wrist during the incident.

**LOUISIANA** — Investigators at the 18,000-acre maximum security prison farm in Angola turned up handguns hidden in two locations more than a mile apart. A possible suspect was identified in the smuggling attempt.

**MISSISSIPPI** — A candidate for sheriff in Tunica County, Darrick Jamison, 30, was found shot in the head execution-style on May 10. He was one of 11 candidates for the job.

**SOUTH CAROLINA** — Attorney General Charlie Condon's office has set up a hot line for students who know of a gun or explosive device on school grounds. The hot line, 1-877-SEE-A-GUN, is one part of a broader plan to decrease violence in schools. Rewards of up to \$100 for tips leading to confiscation of a gun or bomb have been donated by private groups.

**TENNESSEE** — An 11 P.M. week-night curfew for 17-year-olds was expected to be taken up by Knox County

## The Management of Technology: A Hands-on Immersion Program August 9-13, 1999

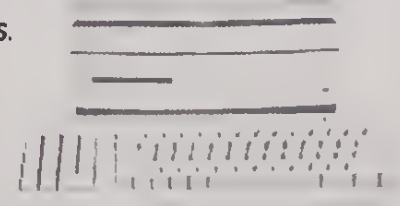
*A workshop for mid-level & senior public safety managers.*

- Windows • PowerPoint presentations • Networking
- Information management • Internet / E-mail
- Digital cameras / video surveillance
- Security & privacy issues • Vendor relationships

A joint project of the Criminal Justice Center and the Department of Information Technology,

John Jay College of Criminal Justice, New York

For more information, call: (212) 237-8638; e-mail: [training@jjay.cuny.edu](mailto:training@jjay.cuny.edu)





Commissioners on May 24. Youths would have to be home by midnight on weekends; the curfew would be an hour earlier for those 16 or younger. Under the plan, violators' parents would have to pay fines of \$50.

## Midwest

**ILLINOIS** — Officials in Cicero, a west Chicago suburb, are suing the Latin Kings and Noble Knights street gangs for \$11 million for emotional distress and damage to residents and property. In a second lawsuit, officials seek to have 294 alleged gang members declared public nuisances. [See LEN, April 30, 1999.]

Chicago police are the focus of criticism for allegedly bullying suspects, after a judge freed a teen-ager on April 29 who falsely confessed to stabbing a woman. Eddie Huggins, 16, was detained for a year while awaiting trial in the death of Lorraine Gates, 26. A medical expert testified that Gates was beaten and strangled, but not stabbed. In addition, DNA evidence belonging to another teen was found on the victim. The case highlighted a second instance of wrongful confession in Chicago. Police said two boys confessed to the murder of Ryan Harris, 11, but charges were dropped after semen was found on the victim's clothes. The boys were believed too young to have produced semen. An ex-convict has since been charged in the case.

**KENTUCKY** — Visitors to all public schools in Fayette County may be required to identify themselves at intercoms before entering school buildings. The installation of buzzers, intercoms and video cameras would cost \$125,000 for all 54 schools. The school board was expected to vote on the proposal in a May 10 meeting.

**MICHIGAN** — A bill that would make it easier to carry concealed weapons sailed through state House and Senate committees in mid-May. State Attorney General Jennifer Granholm's office contended that the bill, which would simplify the permit application process, could endanger public safety.

Drivers may be pulled over for not wearing seat belts, under a bill sent to Gov. John Engler for his approval. Currently, police can ticket people for not wearing a seat belt only if they are pulled over for a separate offense.

**WEST VIRGINIA** — A sheriff's deputy will be assigned to Jefferson County High School in the wake of some 30 cases of destruction of property and other crimes there. School officials requested the deputy, who will be paid for with Federal community-policing funds.

## Plains States

**MISSOURI** — Kansas City Police Officer Charles Antoniuk was dragged 30 feet by a fleeing suspect's vehicle after he attempted to stop a gas-station

theft. The officer had observed two men attempting to steal three cases of canned soda from the Northland station, and ordered the men to get down on the ground. One suspect jumped into the car, and dragged Antoniuk, who was pinned after reaching into the vehicle to detain him. Other officers chased the driver into Kansas City, Kan., but the suspect escaped. The second suspect, Matheno Johnson, 41, was arrested at the gas station. Officer Antoniuk was not injured.

Two St. Louis police officers have been charged with second-degree murder in the fatal beating of a burglary suspect on April 24. Patrolmen Robert Dodson, 40, and Stephen Capkovic, 35, allegedly delivered a blow to the head of Julius Thurman, 19, that resulted in a massive skull fracture. Thurman died two days later without ever regaining consciousness. Witnesses said Dodson delivered the head blow with his heavy-duty flashlight. Both officers were suspended without pay until the case is resolved.

**NEBRASKA** — Following two bomb threats at Millard's Andersen Middle School, a May 7 sweep by Omaha police turned up no explosive devices. However, as a precaution, students will not be allowed to enter the school with backpacks or other bags for the rest of the year. The school district hired off-duty police to provide security until the school year ends.

A 15-year-old boy has admitted that he planted a bomb and issued a bomb threat at LaVista Junior High School. A soda bottle with flammable liquid and a fuse was found in the trash can of a boys' restroom on May 3. Authorities questioned the boy based on handwriting on a bomb threat that was received the week before. At that time police searched the building, but found no explosives. The bomb was apparently planted early on the day it was found.

**SOUTH DAKOTA** — Law enforcement officials said a program to search schools with drug dogs is working, based on the amount of contraband found. Since 1995, Highway Patrol dog teams have searched 385 schools and found drugs or drug paraphernalia in 26 of them.

**WYOMING** — The violent death rate among teen-agers in the state is reportedly running at a level nearly twice the national average. About 116 teens per 100,000 die as a result of accident, suicide or homicide here, compared to 67 per 100,000 nationwide. Officials cited youths' isolation, as well as the state's relaxed weapons and alcohol laws.

## Southwest

**ARIZONA** — Most juvenile offenders are not getting re-involved in crime after being released by authorities, according to the Arizona Department of Juvenile Corrections. The study found that of 825 inmates freed in 1996, only 21 percent had returned to detention after two years.

Extreme summer heat has caused con-

cern about the thousands of illegal immigrants who cross the southern Arizona border. The U.S. Border Patrol, whose agents are often first on the scene in such cases, said it will form a search, trauma and rescue team to respond to medical emergencies.

**COLORADO** — A suspect who police say planned to blow up Colorado's largest mosque was arrested May 12 in Denver after he fled the site in a vehicle carrying bomb-making materials, guns and ammunition. Police said Jack M. Modig, 39, who had declared himself a supporter of the Freemen group in Montana, attempted to ram three police cruisers in a seven-mile chase. Modig had a history of contacts with authorities, including acting as an informant in four homicide investigations in 1992. He was being held on \$500,000 bond.

**NEW MEXICO** — Border Patrol arrest figures show that most people arrested for drug smuggling are not illegal immigrants. Over the past six months, 82 percent of narcotics-related arrests by the Las Cruces substation involved U.S. citizens.

Following an accusation by a 15-year-old girl that a guard molested and raped her in a Santa Fe juvenile jail, Cornell Corrections said it will no longer hire convicted felons as guards there. The prison management company said that the prison official implicated in the case had a prior felony conviction.

A Federal class-action lawsuit charges that the Hobbs Police Department abuses its power. The suit, filed on behalf of an African American mother and her two children, alleges that blacks and Hispanics are harassed so often by the police that they are afraid to walk down the street or sit on their porches.

**TEXAS** — Jasper County District Attorney Guy James Gray said he may attempt to move the trial of Lawrence Russell Brewer, the second man to be tried in the dragging death last June of James Byrd Jr., 49. The District Attorney had just won a court fight to keep the trial in Jasper, but is now considering a move to Georgetown. Brewer is one of three white men charged with capital murder in the case.

Two small bombs were found May 3 in an Austin elementary school and a Boys and Girls Club. Two students were questioned after a boy from Becker Elementary School showed an explosive device to a staff member there. A second device was found in the backpack of a fifth-grade girl. The devices appeared to be small, improvised bombs.

The number of Federal prisoners awaiting trial or sentencing in Laredo, McAllen and Brownsville has increased 118 percent. Officials attributed the rise to heightened enforcement by the U.S. Border Patrol along the Texas-Mexico border. Some 1,400 inmates now need housing, but there are only 630 spaces for Federal prisoners in local jails.

A statewide survey conducted for The Dallas Morning News revealed that some 72 percent of Texans support a hate-crimes law that imposes harsher penalties for bias-motivated offenses. Citizens also overwhelmingly supported the inclusion of minorities, women, gays and religious groups in

hate-crime legislation. A bill adding extra protections for those groups has been stalled in the Legislature, mostly due to its inclusion of gays.

**UTAH** — Shooting deaths by Utah police appear to be on the rise, causing concern among citizens that police are shooting at suspects too often. Six people have been killed by Utah police so far this year, compared to two in all of 1998. Four others have been injured.



**ALASKA** — Anchorage police will soon have 20 portable defibrillators to place in their patrol cars. Since the U.S. Food and Drug Administration approved use of the units by non-medical personnel in 1996, a growing number of police departments have deployed them to assist heart-attack victims.

**CALIFORNIA** — After a Cinco de Mayo bash that required the deployment of 200 riot officers, Knott's Berry Farm agreed on May 6 to pay thousands of dollars to the Buena Park Police Department for its services. The promotional event drew up to 40,000 teenagers from regional schools, lured by a special 5-cent admission fee. School officials worried that the youths' truancy had cost schools some \$70,000 in lost funding due to absenteeism.

A cardboard cutout of a motorcycle officer has been deployed in the Hollywood Hills to help control speeding

motorists. The decoy, known to some as Port-a-Cop, features the image of retired Los Angeles Police Officer Sol Lebus.

**HAWAII** — Reports of child abuse appear to be on the rise in Hawaii, where Honolulu's Child Protective Services said some 230 cases have been investigated each month since February. That's double the average number of cases during the preceding 10 months. Authorities said a media campaign about child-abuse prevention has resulted in more public awareness of the issue.

Some 17 incidents in Hawaii public schools have been reported in the aftermath of the shooting massacre on April 20 in Littleton, Colo., prompting a state Department of Education official to call for metal detectors, surveillance equipment, emergency phone systems, and other security measures at all public school campuses.

**IDAHO** — Boise Police Officer John Terry will not be prosecuted in the case of Derreck Rudd, 20, who had been arrested as a drug violation suspect. Terry allegedly struck Rudd repeatedly, causing a mild concussion and facial fractures, but the U.S. Justice Department's Civil Rights Division ruled that the officer did not use excessive force. Rudd died one day later in a car accident.

**WASHINGTON** — Robert Critchlow, a Spokane lawyer, is suing the city and eight police officers who unsuccessfully searched his home for marijuana two years ago. The \$2.25-million suit alleges that Critchlow's civil rights were violated in the search.

## • CHIEFS • • MANAGERS • • OFFICERS •

ADVANCE POLICING IN  
YOUR DEPARTMENT  
THROUGH  
COLLEGE-EDUCATED  
OFFICERS

ENROLL OFFICERS WITH  
BACCALAUREATE DEGREES  
AND FORM A CHAPTER OF  
THE  
**AMERICAN POLICE  
ASSOCIATION**

5200 Leeward Lane, Suite 102, Alexandria, VA 22315  
Tel. (703) 971-7935 FAX (703) 922-2768



## Personal stake

Matt Depew, the 16-year-old son of a Denver police veteran and former SWAT officer, believes the law enforcement tactics he learned from his father allowed him to survive the massacre at Columbine High School in Littleton, Colo., on April 20 and to save 17 others.

Matt said he was eating lunch when he saw the first victim of teen-age gunmen Dylan Klebold and Eric Harris get shot just outside the cafeteria's window. Grabbing a friend by the shirt, Matt dropped to the ground and knuckled to the floor several others who had stood up to look outside. Searching for a phone, he found one inside an L-shaped storage room. Matt crawled in there followed by 15 other students and two adults. He closed the door just as Klebold and Harris entered the kitchen.

Unable to call 911 from the room, Matt called his father's pager. "Dad, I need you. There are people coming in here and killing kids," he recalled saying. "I was begging for my dad to come and save me."

Wayne Depew, 50, said he was torn between his training as a SWAT officer and his panic as a parent. Knowing that his son had been in the cafeteria when the shooting started, he did not believe his son was still alive — even after a secretary at Denver's District 4 substation told him Matt was talking on the phone with Officer John Lietz. Depew said he tried in vain to talk a colleague into giving him a submachine gun and returning to the school.

Depew, a Denver police officer



Police SWAT team members march to Columbine High School in Littleton, Colo., as they prepared to do a final search on April 20 following the shooting rampage by two students. (Wide World Photo)

since 1971, had more than just Matt to worry about. His daughter was also a student at Columbine. Later, while Matt was still trapped in the cafeteria, on the phone with Lietz, she called the police station to let her father know that she was safe.

Back in the storage room, Matt cautioned the others to remain quiet in case the gunmen came back. After 20 minutes, Klebold and Harris returned to the kitchen and began firing and reloading shotguns, shouting to be let in. Matt said he heard the bomb they ignited in the kitchen go off.

Nearly three hours after the ordeal began, Matt and the others were released from the room by the SWAT team.

His son now safe, Depew took care of one last item before leaving the school. He went to the library where, in addition to numerous victims, he saw the bodies of Harris and Klebold. "I had to know in my own mind that they were dead," he told The Denver Rocky Mountain News. "I think other parents would feel the same way."

## Cut down

A popular BBC newscaster who had become closely identified with crimefighting through her four-year affiliation with England's "Crimewatch" television show — much like this country's "America's Most Wanted" — was found shot to death on the doorstep of her London home in April, The New York Times reported.

Scotland Yard said 37-year-old Jill Dando had just arrived in her car when she was attacked. She died from a single gunshot wound to the head. While Dando had reported being stalked by an obsessive fan last year, he was discounted as a suspect after police verified that he had been working in his garden when the incident occurred.

Residents of Dando's street in Southwest London said they saw a man dressed in a suit and carrying a mobile

telephone rush from the scene at the time of the shooting. Police conducted a thorough search of the shoreline and shallow water along a stretch of the Thames River.

Dando was also the host of the BBC's "Six O'Clock News," and a travel program, in addition to "Crimewatch," which had succeeded in solving cases through re-creations of the crimes and enlisting the aid of the public.

## Belated honors

It might be 83 years after the fact, but the death of Anna Hart, a Hamilton County, Ohio, jail matron was honored during Police Memorial Week in May as perhaps the nation's first line-of-duty death of a female law enforcement officer.

Hart, whose name will be added to the memorial to slain officers in Washington, D.C., was a seamstress before taking on the job at the jail. On the afternoon of July 24, 1916, the 45-year-old Hart was ready to leave work when power to the elevator in the women's quarters was turned off, blocking her exit. Heading for the men's tier where the inmates were supposed to be at dinner, she was ambushed by an inmate and hit on the head with a 20-inch iron bedpost. She died of a skull fracture.

Her killer, Rueben Ellis, had planned to knock her unconscious, take her keys and escape. Hart's death, he said, was prompted by a card game. "Before we began the game, we decided that the loser would be the one to strike her on the head," Ellis was quoted as saying in a newspaper from that time. "I was the loser."

Hart's story surfaced during historical research being done by Dan Wulfangel, a former spokesman for the Hamilton County sheriff's office. Her inclusion in the memorial will not only fill a gap in the Hart family history, but also correct a mistake on the national memorial. Mary T. Davis, a warden of

female prisoners in Wilmington, Del., who was believed to have been the first woman officer killed on duty, was actually murdered eight years after Hart.

## Something to snort at

From a benign pharmacist's storefront, circa 1940, to a head shop in the 1970s offering bongos and rolling paper, to a crack-house door through which rocks of cocaine were sold in 1990, the exhibits at the Drug Enforcement Administration's new museum trace the course of illegal drug use in the United States.

The museum, which is open to the public by appointment, opened in May at the agency's headquarters in Arlington, Va. While not in keeping with the low profile the DEA generally assumes about its work — much of it undercover — the museum is consistent with the agency's message, said Special Agent Terry Parham, the agency's chief of public affairs. "We try to get understanding from the American people on what the problem is all about," he told The New York Times.

Among the many examples of drug paraphernalia on hand is a presentation of "early tools of the agent's trade" such as a Thompson submachine gun, and a pair of green platform shoes worn by a Huggy-bear influenced agent who tried to infiltrate the Detroit music scene in the 1970s wearing bell-bottoms.

Jill Jonnes, the museum's curator, is the author of "Hepeats, Nares and Pipe Dreams: A History of America's Romance With Illegal Drugs" (Johns Hopkins University Press, 1998). While everybody knows about heroin, she told The Times, few know that heroin was marketed as a legal drug early in the century by Bayer.

Following the introduction of opium to the United States by Chinese immigrants during the Gold Rush in 1849, the first drug addicts were wounded Civil War veterans who were given morphine. Genteel ladies, including the

mother of playwright Eugene O'Neill, became the second wave of addicts late in the 19th century, according to displays. Laudanum at that time could be purchased for 28 cents for a three-ounce bottle of the opiate from Sears, Roebuck & Company.

By 1900, one in 200 Americans were addicted to opiates or cocaine. The typical users, according to the museum, were middle-class white women who became hooked through medical treatment that was approved at the time. Even children were given cough syrups laced with morphine. "It gives you a sense of how many people were routinely using drugs," said Jonnes.

A gallery of photographs shows rock stars who died of heroin abuse, including Janis Joplin, Jimi Hendrix and Kurt Cobain. There are also smuggling devices on display, such as a lime-green surfboard hollowed out to conceal packets of drugs, and a Paddington Bear stuffed with drug money profits.

"The overall point of the museum is that drugs have exacted a significant toll on us as a society," said Jonnes. "We want to tell that story in a very accessible way."

## Blown away

Guns were literally falling from the sky in Oklahoma in early May, after a series of devastating tornadoes hit Oklahoma City and its surrounding suburbs, destroying homes and leaving firearms scattered throughout the debris.

In the days following the twisters which hit on May 3, 41 guns were recovered by police in Oklahoma City and 18 by Del City police. The weapons were found by searchers as they looked for survivors.

Oklahoma has an estimated 1.1 million gun owners, with 286,117 hunting licenses issued last year. But law enforcement officials were concerned about having the guns out in the open where anyone could pick them up. A Del City man had in fact pestered police about checking his house, which was in an area that had been closed off for public safety reasons. Once there with police, the man found his Ruger handgun. "I had a real good pistol," he told an officer. "I didn't want it to fall into the wrong hands."

On the opposite side of the coin was Carlos Porcadas, a postal worker with two young daughters, who found a .30-30 hunting rifle amid the wreckage of his house. "That's not mine," he told The Associated Press. "I don't even hunt."

Said Oklahoma City police Capt. Charles Allen. "If we find them, we secure them. We have a moral responsibility to secure those so that they don't fall into the wrong hands or somebody trip on them or pick one up and it go off accidentally."

Be a "People" person: Every issue, the "People & Places" section of Law Enforcement News is chock full of stories about the people who make the field so fascinating on a personal level. Don't miss out.

### Law Enforcement News

Founded 1975.

A publication of John Jay College of Criminal Justice, City University of New York. Gerald W. Lynch, President

Marie Simonetti Rosen  
Publisher

Peter C. Dodenhoff  
Editor/Associate Publisher

Jennifer Nislow  
Associate Editor

Mary Mele  
Subscriptions

Lisa Leslie  
Editorial Assistant

Correspondents: Hugh J.B. Cassidy, Jack Dowling, Tom Gitchoff, T.L. Tyler, Ron Van Rualle.

Law Enforcement News is © 1999 and published twice monthly (once monthly during July and August) by LEN Inc. and John Jay College of Criminal Justice, 555 West 57th Street, New York, NY 10019. Telephone: (212) 237-8442. Fax: (212) 237-8486. Subscription rates: \$22 per year (22 issues). Advertising rates available upon request.

Requests for permission to reprint any portion of Law Enforcement News in any form should be addressed to Marie Simonetti Rosen, Publisher. ISSN: 0364-1724. Law Enforcement News is available in microform from University Microfilms Inc., 300 North Zeeb Road, Dept. P.R., Ann Arbor, MI 48106.



# Painful admission

## After shooting, Chief concedes & vows to root out racism within department

After remaining virtually silent for weeks after the shooting of a black 14-year-old by a patrol officer, Hartford, Conn., Police Chief Joseph F. Croughwell Jr. made the stunning admission that he was convinced that racism had taken root within his department.

Croughwell, who is white, had made no public statement since the boy, Aquan Salmon, was killed on April 13.

Conceding that his comments might be considered tardy in light of the protest demonstrations staged by Hartford's black community in the aftermath of Salmon's death, Croughwell said he had reached his conclusion after a presentation by several black ministers who counseled minority group members of the predominantly white police force.

The clergymen had told him of the bias that the agency's two black commanders faced from subordinates, the 51-year-old Croughwell told *The New York Times*. Rumors which had circulated about the actions of one of the commanders were totally, "false, factless and baseless," he said.

A typical incident included white officers passing by a black supervisor to whom a report needed to be given, and handing it in to a white supervisor instead, said the Rev. Cornell Lewis, a black leader who appeared with Croughwell at a news conference.

The Chief said he would also review a videotape of a white detective, Stanley V. Wasilewski, who, disguised with a wig, appeared on a local cable show and called two local black activists a criminal element.

"We will not stand for a continuation of racism within this department," Croughwell told *The Times*. "I don't think we're at the point where we're going to die from a cancer, but if we don't remove it and we don't take care of it, we certainly could."

While Croughwell offered no suggestions as to how to counteract the bias within the department, he urged officers to change their own mindsets by refusing to attend any function that did not include blacks and Hispanics. The department, he said, would have to fix itself before it could repair its relationship with the city's minority community.

Yet one day after Croughwell's comments — which were received with praise by some community leaders — the purchase of pepper spray and smoke bombs by the department, and an armored personnel carrier that came rolling up the streets as residents waited to hear whether the officer who shot Salmon would be prosecuted, left many uneasy.

Croughwell said the timing of the preparations was just coincidental, but added that he wanted to be prepared in case of civil unrest. "This training we're doing now, it was not developed because of this," he told *The Times*. "It was not implemented because of this. But it's fortunate we have it."

But residents are not the only ones who are unhappy. Officers have complained that Croughwell's suggestion of interracial socializing during their off-duty hours is invasive.

One poster for a benefit for Robert Allan, the white officer who shot Salmon, reads: "Shoot? Don't Shoot? Damned If You Do, Dead If You Don't."

By taking a more conciliatory tack in the wake of the shooting, Hartford officials had hoped to head off the type of prolonged and divisive protests sparked by the killing of Amadou Diallo by New York City police officers in February. But lessons from that tragedy had also been learned by community leaders in Hartford who acted swiftly, fielding daily demonstrations at the site of the incident and in front of police headquarters, and holding strategy sessions with labor, religious and community officials. They also offered free psychological counseling for

"We will not stand for a continuation of racism within this department. I don't think we're at the point where we're going to die from a cancer, but if we don't remove it and we don't take care of it, we certainly could."

— Hartford Police Chief Joseph Croughwell

youths in the neighborhood where Salmon was shot.

Seizing the moment, a threat by black ministers one weekend to disrupt the victory rally for the University of Connecticut's championship basketball team gained them access to officials at the top levels of state government. A deal was struck after a call came from Gov. John Rowland himself: the ministers would call off the protest in exchange for the Governor joining them at a press conference a few hours after the parade.

The Rev. Nora Wyatt of Mount Olive Missionary Baptist Church said Rowland's participation legitimized the point the group was trying to make as effectively as if they had marched with signs demanding justice for the African American community.

Salmon was shot in the back after an officer responding to a 911 call about a woman being mugged and pistol whipped stopped a white Cadillac that held the victim and three other youths. All of them ran once the car was stopped. Officer Robert Allen told investigators that he thought he heard a shot and believed Salmon was reaching for a weapon when he fired. Salmon was hit once through the left shoulder.

Police found no weapons, but a realistic-looking toy gun and a gun-shaped lighter were recovered at the scene. Neither item was found on Salmon, however. Investigators said the car had been loaned to the juveniles in exchange for drugs.

Within days of the shooting, Rowland gave control of the

investigation to the Connecticut State Police and appointed a prosecutor from outside the area. While he has not judged the Hartford officer's action, the Governor clearly has not been pleased by the known facts. Rowland believed that the department had already turned the investigation over to the State Police when he saw television footage of a tussle between local police and a witness who contradicted Allen's story. The witness, whom police said spit on them, was arrested.

When he asked state officials to find out why Hartford officers were talking to witnesses, he was told they were conducting the investigation. "I said, 'The hell they are,'" Rowland told *The Times*. "Then I called the Mayor and [Chief] Joe Croughwell and said, 'We're doing this.'"

Rowland recently held a breakfast meeting with two dozen black leaders, discussing everything from the role of fathers to the appointment of more African American judges. The leaders' public and private statements, he said, have been "99.9 percent constructive," as opposed to inflammatory.

"Racism does exist in Hartford," Rowland said after the meeting. "We've got to make sure that when an African-American young man is stopped, he feels reasonably safe, that his civil rights will be protected."

By all accounts a bright but troubled boy, Salmon's temper and propensity for running away from foster homes had led to him being placed on house arrest in December. While Salmon's juvenile record is not available, police said the arrest that resulted in him wearing an electronic bracelet on his ankle involved the use of a fake gun. Family members and Salmon's foster mother, Teri Morrison, claim the arrest was related to a fight. Salmon had been living with his grandmother, but had disappeared two weeks before his death. The next time his family heard anything about him, it was that he was dead.

During a news conference at police headquarters after the shooting, Salmon's sister and brother accused Croughwell of killing an unarmed individual and vowed the department would not get away with murder. The Chief's remarks were shouted down by members of the audience.

The officer involved in the shooting, a four-year member of the department, was placed on desk duty. Last year, sources said Allen had been reprimanded by his sergeant and lieutenant for displaying his weapon unnecessarily during service calls. In March, he was roughed up by two intoxicated, off-duty Hartford detectives who were later charged with breach of the peace.

The shooting incident occurred at a time when the department scarcely needed any more bad publicity. On April 7, less than a week before Salmon's death, four current and former Hartford officers were charged in an ongoing federal-state corruption probe with extorting sex from prostitutes under threat of arrest. Federal prosecutors said they expected more indictments of current officers.

### Paying their way:

## Union banks on better educated cops

New York City's Patrolman's Benevolent Association has launched an educational scholarship program that will cover up to \$1,000 of tuition costs per semester for any officer who wishes to attain a bachelor's degree or pursue graduate study, a union official said in May.

During a recent meeting of the organization's board of trustees, it was universally agreed that in "a more perfect world," officers would be better trained and educated, said David Hickey, administrator of health and welfare benefits. "That's something we can all agree with, no matter what side of the house [you're] coming from," he told *Law Enforcement News*.

While the PBA is currently in negotiations with the City University of New York to make enrollment there more accessible to officers, Hickey said that under the scholarship initiative, union members can choose to attend whatever college they want and take classes in fields other than criminal justice. A letter and claim form sent out in April found 400 officers currently en-

The price tag for tuition assistance could reach \$26 million.

rolled in classes who will receive the stipend, he said. The union is discussing with CUNY a system whereby payment would be made directly to City University schools.

James Curran, dean of special programs at John Jay College of Criminal Justice, said: "I think for the most part it would be officers who come back to get degrees, because they need degrees for promotion now."

The PBA is allowing officers to pursue degrees in a variety of subjects because of the changing nature of police work, said Hickey. One could make a good case, he said, for police officers acting in the capacity of social workers, or needing nursing skills. "There are all kinds of interesting analogies

about who these police really are and will become," he said.

At this point, the funding for the scholarship is coming directly from the PBA's coffers. But with approximately 26,000 individuals with the rank of officer in the NYPD, all of them potential students with possible price tag of

## Running from the law is about to get harder in KCMo area

Law enforcement agencies in the Northland area around Kansas City, Mo., staged a mock robbery in April to test a new strategy which will help them capture criminals who use evasive maneuvers to elude police as they race through jurisdictions.

Operation Northland Crime Net was devised by Clay County Sheriff Bob Boydston, Kansas City Police Chief Rick Easley and other Northland law enforcement officials to counteract the difficulties the agencies sometimes face in warning each other that a perpetra-

\$26 million, Hickey said the union will be looking to the City Council, the Comptroller's office and Mayor Rudolph Giuliani's administration for assistance in the future.

The PBA is also considering making the scholarship part of the next round of collective bargaining with the

tor is headed for their area.

Easley said police did not know when the fake robbery call was going to be sent out over the radio by a dispatcher, but when the call came, county and municipal officers knew just what to do. They took planned positions along major highways and residential streets, communicating with one another using a shared but infrequently used radio frequency. Instead of arresting the mock thief in the exercise, said Boydston, they spotted the vehicle.

The result, said Boydston, is a bet-

city in 2000, he said. With promotions within the department now tied to college degrees, it would be in the best interest of members to want to further their education, said Hickey. "That's only going to be a positive thing, to have a better educated, better trained department," he said.

ter "net" to catch criminals. With significant development along Northland routes, which cover Kansas City, Platte and Clay counties, and other smaller municipalities, law enforcement has seen a corresponding increase in robberies and other incidents.

"These are now prime locations for people to jump off the highway and do something and jump back on," Easley told *The Kansas City Star*.

The exercise was successful, said Boydston, and will be used whenever major crimes occur in the Northland



# Imprisonment giving way to treatment for druggies

Prompted by the fiscal imperatives imposed by exploding prison populations, state lawmakers are giving compulsory drug treatment and intensive supervision a renewed look as a viable alternative to mandatory minimum prison sentences for non-violent drug offenders.

With some 400,000 of the nation's 1.8 million convicts addicted to drugs, Barry McCaffrey, director of the White House Office of National Drug Control Policy, has said he wants to reduce the prison population by 250,000 — largely through programs like the one now underway in Arizona.

Among the first states to turn its criminal justice policies around and divert all addicts from prison into treatment, Arizona has seen the strategy result in a net savings last year of an estimated \$2.5 million, according to a report issued in April by the state Su-

preme Court. The report found that it cost \$16.06 a day to subject someone on probation to intensive supervision, including drug counseling and treatment, as compared to \$50 a day to keep a convict in prison.

Judge Rudy Gerber of Arizona's Court of Appeals, who has been hearing drug cases for 25 years, called the new public-health approach an improvement over the "revolving-door experience of drug offenders." Gerber told The New York Times that many in the court system had come to the conclusion that the "root problem" was not being solved by parading addicts through the courts and prisons.

Arizona has a prison population of 25,000, with a majority of inmates who have substance-abuse problems. Its program differs from the drug courts of other states which offer treatment as an alternative to trial and a criminal record.

Arizona defendants are sentenced to treatment once they have been convicted or pleaded guilty. They are given a regimen customized to deal with their particular drug dependency.

According to the court's report, of 2,622 people on probation diverted into the treatment program, 77.5 percent have subsequently tested free of drugs — a figure significantly higher than that of offenders on probation in other states. Some 77.1 percent of those who are expected to help pay for their treatment have made at least one payment, it said.

While most first-time offenders convicted of possession are not sent to prison, said Charles Blanchard, a former Arizona state legislator who is now chief counsel for the national drug-policy office, money was made available for the treatment program under the same referendum which endorsed the use of marijuana and other drugs for medical purposes. Approved by voters in 1998 by a 65 percent vote, Proposition 200, the Drug Medicalization, Prevention and Control Act was not enacted by the Legislature. Presented again to state voters, it passed by 57 percent to 43 percent.

The mandated treatment policy, Blanchard told The Times, "caused decision makers to say now that prison isn't even an option, so what do we do with the offenders? In the past, many of these people would get lost in the probation system with nothing really done."

The \$3.1 million allocated for the program is funded by a luxury tax on alcohol sold in the state, with half the revenues going to a parents' commission to run drug prevention and treatment programs. That sum is in addition to an annual \$3.2 million earmarked by the Legislature, said Barbara Broderick, the state director of adult probation and the editor of the report. "Treatment works when it's done right," she told The Times.

In the Northwest, Washington legislators passed a bill in April that allows judges to forgo guidelines and sentence first-time drug offenders to a treatment alternative with the proviso that they complete the program or serve a prison sentence.

"We've got to learn how to do smarter things," said state Representative Ida Ballasiotis, a Republican from Mercer Island. "The other stuff is in place. It will take a while to reverse the trend, but we're heading that way," she told The Seattle Times.

Using prisons to provide protection for the public costs the state nearly 5 percent of its operating budget and nearly \$500 million a year to administer. With prison spending growing at

twice the rate of the state budget as a whole, the new crime legislation "is a recognition that there is more to public safety than just locking people up," said Dick Van Wagenen, Gov. Gary Locke's executive policy advisor. "For years and years," he told The Seattle Times, "people have been voting both in the Legislature and in the ballot box for longer terms of confinement for crime."

Under the legislation, which takes effect July 1, drug offenders are eligible

**"There is more to public safety than just locking people up."**

— Dick Van Wagenen, top aide to Washington Gov. Gary Locke

for sentencing alternatives if convicted of selling a small amount of a controlled substance — as determined by a judge — and have no prior convictions for sexual offenses or violent crimes. They may be sentenced to incarceration in a state facility for one-half of what the midpoint of the standard sentencing range would be, and receive comprehensive substance abuse treatment while there.

The law will also permit judges to impose one year of concurrent community custody and supervision which must include outpatient substance abuse treatment and monitoring by way of urinalysis. The offender must pay \$30 a month to offset the cost of the monitoring. Offenders given this option must also devote time to a specific training or job; remain within certain geographical boundaries, and perform community service. Individuals who fail to complete the program can be reclassified to serving the unexpired portions of their sentence.

Legislation mandating drug treatment for prison inmates was also signed into law in May by Maryland Gov. Parris N. Glendening. It clarifies that under the Residential Substance Abuse Treatment Program enacted in 1996, eligible inmates who refuse to accept treatment may be subjected to sanctions. The RSAT program was developed to provide addiction services for convicts about to be released from prison. Since many would rather avoid drug treatment, inmates often refused to give the written consent required under that legislation.

In a prepared statement, Lieut. Gov.

Kathleen Kennedy Townsend noted: "These provisions put significant new teeth in the system. Mandatory treatment in prison will allow inmates the opportunity to return to society free of the addiction that caused them to hurt others and themselves in the past. If they refuse to accept help, then they will simply stay in jail longer."

There has been renewed discussion of loosening New York's notoriously stringent Rockefeller drug laws, but no legislative action had taken since a plan was proposed by Gov. George Pataki in early May.

Adopted in 1973, the laws require judges to abide by rigid sentencing guidelines that call for long prison terms for even moderate drug offenses, like possession of a small amount of narcotics.

In 1998, 9,063 people were sent to state prison for drug offenses, bringing the total number of inmates serving time for non-violent drug crimes up to 22,000, or approximately one-third of New York's prison population of 70,000, according to the Correctional Association of New York, a nonprofit prison reform group.

Under the plan outlined by Pataki, nonviolent, drug-addicted defendants could defer prosecution of low-level drug offenses — or the serving of a prison sentence — for up to 18 months contingent on their entering and completing a treatment program. Charges would be dropped if the accused had successfully completed the program. Appellate judges would be given the discretion to reduce minimum sentences to as little as 10 years for cases "involving first-time felons convicted of relatively minor crimes, such as possession of a small amount of drugs above the four-ounce limit. Under current laws, such a crime would carry a minimum 15-year sentence."

Aides to the Governor said that the easing of the Rockefeller laws could come about if Democrats in the Legislature agreed to the elimination of parole, one of Pataki's main criminal justice initiatives. A spokeswoman for Assembly Speaker Sheldon Silver said that Democratic leadership would take a "serious look" at the plan.

But the proposal won no kudos from prison reformers, who had hoped for a more comprehensive change. "This was the Governor's opportunity to exercise enlightened leadership on a tough policy question," said Robert Gangi, director of the Correctional Association of New York. "Instead, he chose a narrow course that doesn't address the fundamental problems caused by this law for the criminal justice system," he told The Times.

## Computers aid new wave of counterfeiters

Spreading around funny money they create with color printers and new computer technology, teen-age and adult amateur counterfeiters are becoming an increasing problem for the Secret Service, which has seen the number of arrests for the crime nearly double in the past three years.

According to James Macklin, a spokesman for the agency, the proliferation of what are known as P-notes has increased the workload of agents, who must now crack smaller and more numerous counterfeiting operations.

"When someone used a printing press, it was a long, lengthy process, so he would make millions of dollars," Macklin told USA Today. "Now, we have people running two to three dozen notes off on their computer." Counterfeiting can be easily accomplished by scanning bills onto the computer and making copies on good color printers.

In Boston, where P-note cases have risen from 5 percent of counterfeiting cases in 1995 to 74 percent last year, members of one of the more inept rings tried passing a \$5 bill that was only printed on one side and gave a faux \$20 to a pizza deliveryman. The bogus notes were traced back by police to an 18-year-old who said he copied \$2,000 in fake \$5 and \$20 bills using his family's computer.

He did not try copying \$100 bills, he told investigators, because he did not think the copies would be good enough. "There wasn't a lot of deep thinking going on here," said Stan Amero, a Gloucester, Mass., police detective.

Nationwide, the number of counterfeiting cases has nearly doubled, from 1,856 charged in 1995 to 3,569 in 1998. The amount of fake dollars generated on computers in counterfeiting cases has also grown. Three years ago, \$174,924 of the \$32.5 million in bogus bills was made by computer.

In 1998, \$16 million of the \$40 million seized as counterfeit by agents was computer-generated.

A conviction carries a penalty of 15 years in prison, \$250,000 in fines and the confiscation of all equipment.

About 17 percent of all P-note cases involve teen-agers, many who consider it a lark. Five teens in Butler County, Ohio, were fined after trying to use P-notes in the school cafeteria that a classmate had made at home.

Said Bill Fallon, an assistant prosecutor for Essex County, Mass., which handled the case of the one-sided P-note, said the teen-agers in that incident were put into a diversion program that will allow them to clear their records through community service.

"I can see kids thinking, 'That's cool, I bet I could make money,'" he told USA Today. "They don't appreciate that it's a little more criminal than it is fun."

But it is not only kids who are using computer-generated money. Drug dealers are now using P-notes to purchase marijuana, said Timothy O'Connor of the Secret Service's Boston office. And adults who have never committed a crime before are printing money for casual use. In North Carolina, Federal officials brought four separate cases in April against men who they said made and spent a modest number of \$20 and \$5 P-notes.

Secret Service Agent Jack Johnson in Midland, Mich., said that last Christmas a father and daughter were caught using \$20 and \$50 P-notes to go on a shopping spree, buying housewares, clothes and toys. The case, he said, was part of a 200-percent increase in the number of counterfeiting cases in the northern Michigan district.

"The evidence room is so crammed with confiscated computers it looks like Circuit City," said Johnson.

## Did DC cops ignore drug deals while working off-duty at nightclubs?

Washington, D.C., Police Chief Charles Ramsey has promised swift action if an internal investigation reveals that officers working off-duty at a local nightclub looked the other way while patrons engaged in illegal drug activities.

The incident involved four uniformed officers who were captured on tape in May by local television station WTTG-TV, which used a hidden camera to record the goings on at a downtown club called Nation. The officers are seen standing around while

clubgoers seemingly purchased Ecstasy and other illicit substances in full view of them.

Following the TV station's report, Ramsey restricted the officers to all but administrative tasks, barring them from working street assignments or making arrests until the probe is completed. They have also been prohibited from working security at the club during their off-duty hours — as have nine other officers who were employed there.

"I guarantee that officers found turning a blind eye to violations like that

will be dealt with," said Ramsey. The Chief has sought legislation that would prohibit officers from working off-duty at adult entertainment venues and spots where liquor is served. The tape, he said, showed one officer kissing a patron, an action that should be "incredibly embarrassing" to anyone on the force, said Ramsey.

District Councilman Harold Brazil said he would push for emergency legislation banning Ecstasy, which is legal except in large quantities due to a typographical error in the drug laws.



# Spotting a liar is no easy task for police

Unless their pants are on fire, liars are as difficult to identify for the vast majority of trained law enforcement personnel as they are for presumably untrained civilians, according to a new study by a psychologist who tested thousands of local, state and Federal officers to determine how accurately they could separate the honest from the dishonest through nonverbal cues and gestures.

In research published in the journal *Psychological Science*, Dr. Paul Ekman, a professor of psychology at the University of California at San Francisco School of Medicine, found that when he and his colleagues tested approximately 4,000 people in law enforcement and criminal justice, including judges, Federal officers, CIA agents and municipal police, they demonstrated little more skill than those not in the profession at spotting a lie.

Ekman studies what he refers to as "high-stake lying" and uses his findings to teach police lie-detecting skills under the auspices of the Bureau of Alcohol, Tobacco and Firearms. Although no research has been done that would give scientists a before-and-after evaluation of the training, he told *Law Enforcement News* that he feels "moderately comfortable" with the notion that individuals can be taught to improve their lie-detecting ability, and conversely, their truth-detecting expertise.

"The lies that we focused on are the ones that are relevant to law enforcement," said Ekman. "There are behavioral clues that help us distinguish whether someone is lying or truthful. We've identified a number of them using very careful measurement of speech, body movement and voice, and facial expression." But, he said, there are people who are able to "make use

of that information just when they watch a videotape go by in real time."

What may be even more important to law enforcement than being able to identify liars, however, is being able to determine when someone is telling the truth. Researchers found that police — especially those who are good at identifying liars — were less effective at distinguishing truth tellers. Such individuals scored no better than random subjects, according to the study.

While one might think that the absence of the facial expressions and gestures associated with lying would make it easy to identify truth-tellers, Ekman said that police must be aware of certain characteristics displayed by honest people when under interrogation. In general, for example, individuals who are not lying tend to show coherence. What they say and how they say it, along with tone of voice and the content of their story, tend to fit together better than that of most liars, he said.

In training law enforcement, it is important to teach police what signs to look for so as not be misled by indications that a subject is afraid of not being believed. "That is a crucial problem," Ekman told *LEN*. "If you are a truthful person who is not guilty of a crime being interrogated by a police officer, you should be pretty worried. The issue is how to recognize that quite justified fear and not confuse it with fear of being caught."

Flexibility is the trait that the best lie detectors have in common, said Ekman. These individuals do not believe there is one rule that applies to everyone, but rely on a cluster of clues that nearly have to "overlearned," he said. They go where the information is and keep an open mind.

In all, there are approximately 35

to 40 nonverbal clues that can help identify an untruthful person. They indicate a surfacing of emotions such as guilt, despair, embarrassment, distress, fear and "duping delight," in which a liar is exuberant over the deceit. Other clues may include shifts in pitch or pauses in speech; a discordant flash of anger across the face of someone who claims to be glad to cooperate in a police investigation; or the nearly imperceptible shaking of the head while telling a lie.

Ekman said that sometimes eye blinks that take a little longer can indicate a lie, suggesting that the person is taking more time thinking about an answer to an interrogator's question. Of course, if the question being asked is one that takes consideration, the individual may have to think about the answer. But with basic queries, such as "Were you there that night?" or "Did you commit this act?" that slow blink could be what Ekman referred to as a "hot spot" that warrants further investigation.

Those who make bad mistakes in identifying liars are those who look at just one characteristic, such as whether the suspect touches his nose or crosses his arms. "None of these things are fool-proof signs of lying," said Ekman.

Secret Service agents were found to score significantly above average, according to the research. Why they are so adept at detecting lies is a mystery, Ekman said, but it could have something to do with their job training in protection. Unlike regular law enforcement work, in which a majority of the people interviewed by police may in fact be guilty, Secret Service agents scan crowds, looking for a needle in a haystack, said Ekman. "That probably means you have to be extremely alert."

Los Angeles County sheriff's depu-

ties who were selected for the training because of their interest in interrogation work were also found to be high scorers, as were Federal law officers chosen by their agencies because of their skill at detecting deceit.

"It depends on whether you want to emphasize that the glass is half empty or half full," Ekman told *LEN*. "If it's half empty, then the overwhelming majority of people who tested in law enforcement, whether they be FBI or Los Angeles sheriff's [deputies], are just about chance when it comes to judging from demeanor whether someone is lying to them." If the cup is half full, Ekman added, then there are groups among local and federal law enforcement that are "highly-motivated and self-selected who can make these judgments and seem to do so very accurately."

For their experiment, researchers videotaped 10 men who were asked their opinions on such societal topics as capital punishment. An "interrogator" then asks each why he thinks as he does and for how long he has held these

views. The tape held a variety of clues that might have uncovered which of the subjects was lying.

One of the difficulties in studying lie detecting, however, is creating the same circumstances under test conditions that force people to be deceitful in real life. To overcome that hurdle, Ekman and his colleagues, Dr. Maureen O'Sullivan of the University of San Francisco and Dr. Mark Frank of Rutgers University, offered the volunteer fibbers in the study a \$50 reward if they could convince the interviewer that they were telling the truth. Truth tellers were given \$10 if they were believed.

If neither the liars nor the truth tellers were believed, they received no money; half also received a punishment of 40 blasts of white noise administered in a darkened, telephone-booth sized room.

"In the real world, if a jury doesn't believe you, you go to jail," Ekman told *The New York Times*, "and if your wife doesn't believe you, she leaves you."

# Time for pot decrim has come, Canada chiefs say

Each year, tens of thousands of Canadians are criminally charged for possession of small amounts of marijuana, and now the Canadian Association of Police Chiefs, citing the legal repercussions for those individuals, has recommended that they face substantial fines instead of arrests.

Of the 72,000 arrests for drug offenses in Canada in 1998, roughly 70 percent were for marijuana. Of those, 62 percent, or 49,000, were for simple possession, said Brockville, Ont., Police Chief Barry King, who chairs the CAPC's drug abuse committee.

"They were not traffickers, they were not addicts, they were not supporting a habit," he told *Law Enforcement News*. "They were either experimenting or using marijuana for recreational purposes."

For each person charged, King said, there was a host of paperwork and lab work to be done and hundreds of dollars that had to be paid to local lawyers for appearing in court. The result was often a conditional discharge in which the person was warned not to possess marijuana again and was charged \$50 to \$100 by a judge.

Two years ago, King pointed out, the Canadian Government enacted the Controlled Drug and Substance Act, which consider up to 30 grams of mari-

juana and one gram of hashish to be intended for personal use. Under a summary conviction offense — similar to a misdemeanor charge in the United States — defendants end up with a criminal record after conviction, but their fingerprints and photographs cannot be entered into the national data base in Ottawa. The statute, in effect, decriminalizes marijuana possession, said King, but still leaves individuals with the "stain of the record and the stigma."

What the CAPC now advocates is arresting and charging marijuana users for more serious penalties, such as using the drug within 500 meters of a school or a facility where minors are present, but simply fining first-time offenders \$200 to \$400 with no arrest. The violator would have 30 days to pay the ticket, or be put through the criminal justice system like any other offender. By paying the fine, they would be shown to have committed a criminal offense, but would have no criminal record.

The proposal is identical to a bill introduced in the House of Commons in April.

"If it is just a simple, minor criminal possession where there are no other circumstances, why not give us the option for one time to give them a

chance?" asked King. "If our goal is to get them off [marijuana], maybe that's the aspect that's going to scare the hell out of them."

Canadians with criminal records stemming from convictions for marijuana possession are prohibited from entering the United States, where they miss out on jobs, King said, adding, "We think the harm exceeds the offense itself."

Moreover, he noted, the cost of processing and trying all the arrests from marijuana possession are depriving Canadian law enforcement agencies of personnel and money that could be used to go after more serious crime. King said the association does not want to send the wrong message — that it is soft on drug offenders — but society has changed in the past 20 years.

"That time we're wasting and money we're wasting could be used for traffickers, which we don't have enough to spend on [now]," he said. King pointed to a cocaine seizure on the West Coast last year that took 150 officers and \$1 million in overtime to make. Had the shipment not been confiscated, it would have caused trouble in hundreds of communities. "That was worth it, but you can't continue to do that at that level unless you lighten up on some of these other things," King said.

## NOT TO EXHIBIT WOULD BE CRIMINAL!

# 2

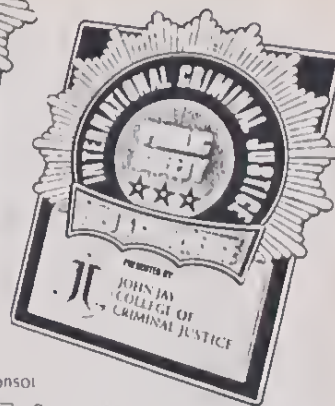
Great Shows  
Leading  
Conferences  
Renowned Educational  
Institutions



OCT. 5 & 6, 1999  
Hynes Convention Center,  
Boston, MA

Silver Sponsor

Schlumberger  
Global Tel • Link



OCT. 8 & 9, 1999  
Jacob Javits  
Convention  
Center  
New York City

Gold Sponsor • New York  
**LAW ENFORCEMENT**  
Produci News

- ★ EXCITING EXHIBITS - OVER 100,000 SQ. FT.
- Law Enforcement Equipment & Technologies
- Never Seen Before Vehicles
- The Best Surveillance Electronics & Armor!
- Hands-on Demonstrations
- AND MUCH MORE!!

- ★ ATTENDEES from
  - Law Enforcement
  - Emergency Services
  - Judicial System
  - Public Safety
  - Security
  - Corrections
- ★ EXPO FREE TO ATTENDEES
- ★ Lots of great GIVEAWAYS & FREE DRAWINGS

**Endorsed  
By Over 35  
Prestigious  
Organizations**

**FOR RESERVATIONS AND EXHIBITOR INFORMATION CALL OR FAX:**

RDP GROUP, 30 Tower Lane, Avon, CT 06001  
800-243-9774 • Fax: 860-677-6869 • E-mail: rdpstevens@aol.com  
www.rdpgroup.com

Name \_\_\_\_\_ Company \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
E-Mail \_\_\_\_\_ ☐ Exhibitor ☐ Attendee (check one)



*A present day police chief recently recalled that as a lieutenant in March 1982, an article appeared in the Atlantic Monthly that "knocked his socks off." Since that time, the article — "The Police and Neighborhood Safety: Broken Windows," by James Q. Wilson and George Kelling — would provide the theoretical and practical underpinning for much of the crime decreases that have been occurring nationwide for the past several years. Moreover, the term "broken windows" has become a metaphor, a law enforcement catch phrase, for increased police attention to quality-of-life crime and rescuing neighborhoods and public spaces from decay.*

*Kelling, a long-time criminal justice scholar and researcher who sports a lengthy list of publications spanning three decades, finds it interesting to have a long-term "relationship with a metaphor that I helped create." The strength of a metaphor, he says, is that it "helps people wrap their minds around a fairly complex issue." The disadvantage is that once the metaphor is "gets a life of its own, it begins to block thinking." In addition, as has happened with the "broken windows" concept, a metaphor can breed "bastard children" like zero-tolerance campaigns, crackdowns and sweeps, terms that Kelling declares are "anathema" to his philosophy of policing. His is a philosophy that is based on a community policing model in which police and residents know and work with each other to solve neighborhood problems, policing activities are decentralized, and officers are given the proper legal tools and guidance in the wise use of police discretion — discretion that does not use race as a factor.*

*Over time, Kelling has stayed with the "broken windows"*



*thesis, honing and refining it and seeing it applied to police operations in a variety of venues. Last year, Kelling, along with his wife, researcher Catherine Coles, co-authored the well received book, "Fixing Broken Windows," which goes further in exploring the practical application of Kelling and Wilson's original concept.*

*To be sure, "broken windows" has not been without its critics, and of late that criticism has focused on the*

*argument that order-maintenance campaigns are a veil for police harassment of minority groups. With such criticism having swelled in the aftermath of the police shooting of Amadou Diallo in New York, Kelling views such critics as opportunistic and politically motivated, eager to attack Mayor Rudolph Giuliani despite his administration's dramatic success in reducing the city's crime rate using the "broken windows" approach. As important, Kelling believes that some of the criticism currently being leveled at "broken windows" stems from those who still cling to the belief that crime stems from "root causes" that police can do little to affect. In the 1960's, according to Kelling, many police scholars and police executives bought into the idea that "crime is caused by poverty, racism and social injustice [and] if you wanted to deal with crime, you have to deal with root causes." Since police could do nothing about root causes, the argument went, they could do nothing about crime. This way of thinking, Kelling says, helped to turn police into "case processors" who responded to crime but could not prevent it.*

*His philosophy of policing has been shaped throughout a career that has included participation in several of the field's most familiar ground-breaking research studies, including the Kansas City preventive patrol experiment, the evaluation of neighborhood team policing in New York City, and the Newark foot patrol experiment. Kelling, who earned his Ph.D. from the University of Wisconsin-Madison in 1973, is currently a professor in the School of Criminal Justice at Rutgers University in New Jersey and professor emeritus of the College of Criminal Justice at Northeastern University. During the course of his career he has been the executive director of the Program in Criminal Justice Policy and Management at the Harvard University's Kennedy School of Government, and the evaluation field staff director of the Police Foundation in Washington.*

**A LEN interview with**

# Prof. George Kelling, co-author of "Fixing Broken Windows"

**"Few departments give officers the kind of guidance they need. Officers have to be very carefully trained, but they also have to learn to think through their behavior very carefully because they're going to use a lot of discretion."**

**LAW ENFORCEMENT NEWS:** Your name has been irrevocably linked with the phrase "broken windows" and with quality-of-life enforcement. Since the article establishing the broken-windows thesis first appeared in 1982, what changes have you seen in policing that have incorporated your ideas?

**KELLING:** Well, you will recall that I learned about the ideas of order maintenance by watching foot patrol officers in Newark, N.J., negotiate a standard behavior for street persons that they and the community could live with. Police have always done order maintenance, but it's been largely unofficial. That is, they would remind people, warn people, occasionally arrest people, but nothing much would happen to the arrests or follow-through because prosecutors weren't interested in minor offenses or in dealing with the troubled population that oftentimes is involved in disorderly behavior. So, I think the biggest change is that, starting in the late 1980s, police departments started to conduct order maintenance officially, and that led in turn to changes in prosecutions because, if police were going to handle disorderly behavior officially and process the cases, prosecutors had to start taking it seriously as well. All of which, I think, suggests that police and prosecutors are listening more carefully to the demands of citizens for order.

**LEN:** The emphasis in some departments on cracking down on quality-of-life crimes, panhandling and disorderly conduct can in turn overburden the rest of the criminal address system. How would you address that?

**KELLING:** Understand that I have never used the terms "crackdown," "sweep" or "zero tolerance." I think all of those phrases are pretty much anathema to my approach. The policies that I'm advocating should lead to high levels of police activities, but decreasing numbers of arrests. That is, once it becomes clear that certain behaviors are no longer tolerated, arrests should go down. My guess is, for example, in New York City, arrests for squeegee men have declined enormously because squeegee men now understand that there will be consequences to their behavior if they get involved in squeegeeing, especially the type of squeegeeing that's basically extortion, when they drape over your cars and try to intimidate you into giving them money.

**LEN:** But still there are some who say that when, let's say, you give a summons to a quality-of-life

offender, somehow you're still engaging the criminal justice system, and, in a sense, this kind of enforcement reinforces reliance on police for the production of public safety, rather than on the community.

**KELLING:** Again, that seems to be a distortion of the ideas that I've put forward — although it might not be a distortion of how some police departments are currently dealing with order maintenance. But I would much rather jail people and crowd the jails over the weekends or during the week than I would crowd prisons with people who are going to spend the rest of their lives in prison. Think of the savings in criminal justice resources, not to mention lives and suffering, that's represented in the enormous drop in homicides in New York City. Resources are the least of the matter when you talk about the saved lives and saved suffering. So if it means we're to be jailing more people for short times, but in the long haul we're not going to be imprisoning people for long periods of time, I'll live with that.

Of course, the only alternative we're discussing is incarceration, while what I'm really talking about is the application of sanctions early. In New York City for example, you have the Midtown Community Court, which has developed a range of sanctions, but at the same time linked those sanctions with supportive services. So, yes, I would argue that for minor offenses and for minor offenses with juveniles, that we start to take them seriously, and that we begin to say that the state means what it says that you will stop this behavior. What one wants to do is to stop these kids early, send out very strong messages, and that can be linked to the community. In Travis County, Texas, for example, they've created community boards to deal early with young offenders. And it both is an attempt to send a message what the community will tolerate, but also to sanction these kids with community service, or some other kind of retribution.

**LEN:** At the same time, though, let's not forget about all the predictions of "super-predator" juveniles — the idea that five years from now we're going to be eaten alive by 13-year-olds....

**KELLING:** First of all, I think the word super-predator tended to dehumanize a group of kids. We've known for a long time that a very small number of youths are committing the vast majority of serious offenses, and I think we've finally started to provide policies that recognize this. I think this is what we're learning from Boston's Operation Cease Fire and, as David Kennedy puts it, the



---

## ***"I certainly am concerned about the abuse that citizens have endured at the hands of other citizens, but my greatest concern is that we have not delivered quality policing services to areas that have desperately needed it."***

---

bad news is that some of these kids, these 5-percenters, are very tough and very mean. From a policy standpoint, though, that's also the good news, because there are all kinds of authorities to intervene: They're on probation, they're on parole, there are warrants out for their arrest, they have charges pending. So I think that's awakened us to the fact that one can target those youths and do something about them, but we can also separate them out from the wanna-bes, who are getting to the edge of some serious stuff and need to be talked back. And I think they can be talked back once it's clear that the state means it and will take their behavior seriously.

### **Losing control**

**LEN:** Do you think there was a prevailing public sense in the late 1980's or early 90's that the system really didn't mean business?

**KELLING:** Well, I think we woke up to the fact that we had lost control over many areas of public spaces. I'm sure you personally understand the extent to which we lost control over the New York City subways. We abandoned it. And it wasn't just the subways. It was Bryant Park in New York, and whole areas of Los Angeles and Chicago. Partially due to our criminal justice policy, we had literally de-policed public spaces. Police were off in their cars; probation officers were downtown; prosecutors were downtown; judges were in centralized courts, and suddenly we woke up. The citizens and professionals alike realized that things had gotten out of control. I think a lot of people had seen that coming for a long time. In the 1970s already we were starting to see the consequences of not taking minor offenses seriously, and there were people who were starting to take action. You can go to many communities and find that there were these movements to regain control over public spaces.

But I think the final crisis was the crack crisis. It wasn't just that kids were intimidating and bullying and denying people access to public spaces; they started to kill each other, and in the process of killing each other we were losing our children, and were at a point in many communities where the social system stopped operating. Schools couldn't operate; churches couldn't operate; commerce had abandoned areas. So there was this basic shift in thinking around the late 1980s, early 1990s that something pretty radical had to be done, and I think some ideas started floating around, like 5 percent, like broken windows, like certain kinds of sentencing policies, like community courts that began to be implemented out of this crisis.

**LEN:** Do you think that, perhaps as a legacy of the 60's, there might have been a political underpinning to the detachment of the criminal justice system from the community — a sense, perhaps, that people generally preferred their police to be more invisible, that the police were all too willing to oblige, and that political officials weren't interested in having police and the rest of the criminal justice system do much in the way of intervention?

**KELLING:** I've spent a lot of time meeting with citizens in the Robert Taylor Houses in Chicago, and in areas of New York and New Haven — not just community crime-control groups, but victims' and citizens' groups. There was concern about police abuse, but the greatest concern, the most indignation was about the lack of police care. What they got was police whipping in and out, getting out of communities as quickly as they could, and police wouldn't respond to minor offenses. In the Taylor Houses, for example, if citizens called the police about youths hanging around the elevators and recruiting children into gangs and intimidating families, you know, the police were too busy with other things. So, of course, what developed in many communities was that people would say, "Man with a gun," and that would get some response. But again, I certainly am concerned about the abuse that citizens have endured at the hands of other citizens, but my greatest concern is that we have not delivered quality policing services to areas that have desperately needed it.

### **Success & failure in New York**

**LEN:** That seems to speak to some of the recent events in New York stemming from the police shooting of Amadou Diallo. One could easily say that the police in New York, have done an effective job as demonstrated by every statistic you can look at. One departmental statistic even shows that officers shoot their weapons less than police in other localities. In a recent article in The Wall Street Journal, you said that some of these protest demonstrations and other reaction to the Diallo shooting represented "an ideological attack on a successful philosophy of policing." Could expand on that?

**KELLING:** As you know, there are layers and layers of things going on in New York City. First of all, we have the fact that a lot

of people would like to take away from Giuliani his success in terms of dealing with crime. He and Bratton, and later Safir, said, "We're going to cut crime and this is how we're going to do it." Then they did, and they went out to the world and broadcast that they did it. But I think you're seeing a political assault on Giuliani, which isn't particularly surprising.

Secondly, I think there are also real cleavages now showing among police scholars, among criminal justice personnel, among criminologists about what all of this means. The New York experience, mainly because New York is the center of media, has really shattered the old root-causes idea that has dominated criminal justice since the 1960s. A lot of police scholars and police executives got very caught up in the idea that crime is caused by poverty, racism and social injustice; if you want to deal with crime you've got to deal with the root causes. And then some leading thinkers went on and said that because police can't do anything about those problems, police can't do much about crime. So we had police as case processors, waiting until crime happened and then responding to it. The idea of prevention got captured by the criminal justice and criminological left, and crime control wound up being held hostage to an ideology that we had to go through a massive social change.

Now, the fact that I reject this doesn't mean I believe that all is well economically, and in terms of justice, and in terms of

become successful.

### **Guidance & discretion**

**LEN:** Since the Diallo shooting, crime in New York city has gone up, and many believe that the reason is that officers are not taking action when it comes to suspicious behavior, out of fear that they'll be penalized for doing their job. In some of your writings you discuss the mixed messages that officers get, and I'm wondering if you could just speak to that issue....

**KELLING:** I go back to where I began the interview, about so many police activities being unofficial. Police come under demands to take care of some particular problem, and yet they receive little guidance in terms of how they should proceed. In fact, I think the whole approach toward developing guidelines has to be resurrected because few departments give officers the kind of guidance they need. Officers have to be very carefully trained, but they also have to learn to think through their behavior very carefully because they're going to use a lot of discretion. Why is it that one citizen who commits an offense should be stopped and perhaps arrested, and another should be warned and perhaps another gets ignored completely? There are ways to justify that use of discretion, but I think police officers tend to rely too

---

## ***"It has become part of the police culture for policemen to expect that if they make a mistake and it becomes public, they're going to be sacrificial lambs."***

---

racism in our country. We do have serious problems. But I have been arguing, and implicit in broken windows is an uncoupling of the idea that these problems directly give rise to crime, and a view of crime that you have to deal with those problems first. I think a lot of people are not disappointed that New York City is getting into trouble because they view the success of New York City as an attack on the idea that we have to deal with root causes to deal with city crime. New York, Boston and all kinds of other places are now showing that we can uncouple those issues and deal with crime.

Does this mean that I think that there's no linkage between those problems and crime? No. I think they're linked, but it's much more complicated. As Chips Stewart used to argue when he was head of the National Institute of Justice, crime causes poverty. When communities can't function, when commerce can't function, you can't talk about dealing with economic injustices, you can't educate kids. You get a downward spiral. I'm sure you know of areas of New York City now in which public spaces have been reclaimed and they are going through an economic revival. Does that mean it was solely crime control? No, these things are all linked together in a complicated stew.

**LEN:** Within the past few years, the NYPD's Street Crime Unit was dramatically expanded and made more centralized. In some of your writings, you have advocated decentralizing units to enforce quality-of-life offenses. To what extent do you think the rapid expansion of the Street Crime Unit has been a factor in the distrust and antipathy toward police held by some members of the minority community?

**KELLING:** I've always been very, very concerned about special units. I worry because they tend to have single goals, and when you have single goals, the more successful they are — and we would hope they're successful in dealing with the problem for which they're constituted — the rarer the problem should be. That means you have a group that is being judged by their success with a specific problem, but if they're successful, it means that they get fewer and fewer events for which they were designed. I have always felt, and not only in New York, that as much as possible one wants to have precinct commanders completely responsible for what's happening in their areas. If they do special units for a special problem, they should identify what success looks like, and then end the units once they achieve a particular goal — because what happens is that goal displacement ultimately sets in with special units. There is also the fact that we lose sight of what function special units played in police departments historically. Historically, special units were part of the attempt to break up the enormous power that precinct commanders had back in the bad old days of machine politics. Special units were a way in which central management could penetrate into geographic areas to ensure that precinct commanders couldn't set up corrupt networks. So one can challenge the idea of special units on several bases. They tend to reduce the extent to which precinct commanders can be held accountable, and they have the potential of becoming strident as they start to

heavily on the idea that this is a matter of common sense. This is the old school of policing that everyone understands, and all too often it's how the real world operates for patrol officers. The old problem goes like this: The mayor calls the chief and says: "Bums are loitering secretaries in the park. Don't do anything illegal, but get them out of there." That message goes down to the patrol officer, who understands the message very clearly. That message is "do what you gotta do and cover your ass."

Now I think that that has created an extraordinarily serious problem in policing, in that we ask police officers to be dirty workers. And officers believe that when the time comes that they make a mistake, all the rules and regulations are going to be thrown at them, or if they're caught doing dirty work, that management is going to cover its back, and make the officers hang out there. This is not officers' response just to the Diallo handling, but in all kinds of events. Police officers have been sacrificed to public opinion, often enough and in enough departments, that it has become part of the police culture for policemen to expect that if they make a mistake and it becomes public, they're going to be sacrificial lambs. It was like that for the Dahmer case in Milwaukee. The officers who responded to the call of the young Oriental male were eventually charged with all kinds of things from the rules and regulations, including not enforcing curfew — and nobody in Milwaukee was enforcing curfew at that time. So officers said, "Okay, we work by the rules, and we do it to the least extent we possibly can." This is what worries me about New York City, because you know, in New York City staying out of trouble by doing nothing became a fine art, with enormous consequences to the community. I continue to worry that that could happen again. I mean, you even get some columnists calling for the breakup of Compstat because it uses statistics, and statistics can drive organizations. Basically that means that we should stop thinking and stop holding people accountable again in New York City.

The reality is that very soon Giuliani will no longer be Mayor, and Compstat and all the gains that could be made could be wiped out very quickly. The idea of the "innovation of the day" is well known in policing, so the idea of close thinking about problems and holding precinct commanders accountable could get lost quickly.

### **Change that lasts**

**LEN:** That being the case, how does one institutionalize a system like Compstat so that it doesn't get swept away with a new politician and a new chief?

**KELLING:** There you're asking the basic question that people have struggled with over the past 20 years in trying to move toward community policing. Bob Iselberger, the chief Dayton, Ohio, in the 1960's and 70's, used to refer to police departments as being like rubber bands: You could bend them and twist them, but they always went back to their old shape. Right now what people like Jerry Sanders, Dennis Nowicki, Bill Bratton, Safir

Continued on Page 10



# LEN interview: Prof. George Kelling

Continued from Page 9

and others are trying to do is make changes basic enough in terms of how the business is conducted and to destroy the old ways of thinking so that they will become the habits of the organization for the next generation that people wouldn't dream of wiping out. Think of what Jerry Sanders did in San Diego. He turned San Diego into the leading problem-solving organization probably in the world, in terms of their capacity to do effective problem solving along the lines of what Herman Goldstein has talked about. My guess is he was there long enough and it has become enough a part of the culture that it would be very hard now to go back to the old days of preventive patrol in San Diego. That's not to say that there probably still isn't a lot of time spent in cars, but he's managed over time to change the basic way that the department did business. One of the good things in New York has been that Howard Safir didn't feel he had to undo the innovations that Bratton first implemented inside the organization in terms of Compstat. As much as anything, unless you're going to be there for decades, you've got to make radical changes over a relatively short period of time and hope that your successors aren't going to dismantle them. American policing simply is not noted for its continuity in leadership. The average commissioner in New York City is two and a half years, and few last much longer than that.

**LEN:** It's curious to hear you mention Sanders and Bratton in the same breath, because in some key respects they represent very different ways of being effective.

**KELLING:** This is part of the fracturing that's going on in the policing business right now. I think when I go around the world, talking with politicians and talking with police leaders, I'm struck with the extent by which "zero tolerance" has become a commonly understood phrase — and I'm being sarcastic about that. It seems to me that police departments are highly pluralistic. I can take you to university police departments in which there are cowboys; you name the department and I can find you cowboys. I can also point to very gentle kinds of persuasion and warnings, prior to taking strong action. So the idea that there's a quote-unquote New York style, I think, is a great overstatement.

In New York, when Bratton and [Jack] Maple and others first discovered in the subway that they were getting a large number of guns when they were doing fare-beating programs, that rang a bell. So for many, order maintenance gave you the authority to take guns, and to talk to people to take guns off the street. Now, the style in which that's done, it seems to me, is terribly important. So just how are they going to do that? A good share of the gun enforcement efforts that have been studied, basically, were based on car stops. We knew that there were pretextual arrests. This has been going on in police departments for generations. Now the question is, are the stops legal, and are they conducted civilly? And if they're legal and if they're conducted civilly, I don't have any problem with that. It's when it becomes "Up against the wall," and there's no legal basis for stopping outside of the fact that I have to make more stops today. That's when you're headed for some deep trouble. The interesting thing is that nobody knows really the extent to which this is being done in New York City. The myth is out there about this tough zero-tolerance policing, New York-style, but there just aren't any data that demonstrate this.

## The right tools for the job

**LEN:** You've observed in some of your writings that officers need the legal tools to do their jobs properly, and so that they won't then feel pressure to exceed their authority. Can you describe some of these legal tools?

**KELLING:** I'll have to answer this indirectly. For example, consider the problem that the civil libertarians have created around the problem of panhandling. It gets back to the use of police discretion. The idea has been developed that just asking for money, panhandling, is protected by the First Amendment. I think that is an overstatement; I think there's a lot of legal work to be done on this yet, and ultimately it will be resolved by the Supreme Court. But in the meantime cities have tried to deal with that problem by defining aggressive panhandling — you can't block a person, you can't touch a person, you've got to stay a certain distance from the person. In terms of behaviors, legislators have attempted to define "aggressiveness," but the trouble is that the meaning of any behavior is determined by context. Behavior at 8 o'clock in the morning in a subway during the rush hours can be inherently non-threatening because of the context: the number of people there, the time of day, etc. But the same person at the same location behaving exactly the same way at midnight can literally be extorting money from people. How are you going to define it, then? You have to define everything. A panhandler standing at the base of an escalator during rush hour, constantly thrusting a cup in and out — is that inherently

aggressive? You bet it is, and yet in behavioral terms, it doesn't seem to be. Try and describe that legally.

It seems to me that what we have to do with these laws is understand that police are going to have to use their discretion to define what aggressive panhandling means. And that's going to change considerably. For example, if you're walking alone to your home, it's 10 o'clock at night, and a panhandler crosses the street and approaches you, even stays, but still gives you a two-foot bubble or something like that, is that aggressive? You bet it is. That panhandler is crossing the street to intimidate you because that panhandler knows that time of the day, and he knows you're alone and you're going to be intimidated. He is not exercising a First Amendment right. That panhandler is extorting money from you because he knows that you're going to be fearful because he crossed the street. Even though he stays two feet away from you, the act within that context is extraordinarily aggressive. So first of all we have to understand that.

Secondly, it seems to me that we've got to return to an idea that was very popular in the 70's, but for some reason we backed

***"To turn every street stop into a recordable event just seems to me to be over-formalizing the contact between police and citizens."***

away from. That is, we have to develop guidelines for officers that prescribe at least how they have to think, the variables that they have to consider when they decide to use their discretion. I talk about that somewhat in "Fixing Broken Windows," but I've got a larger monograph that NJJ is going to publish that describes that in more detail. Also, you have to tell officers what they may not do. For example, police may not use their discretion on the basis of race when determining whether to intervene with panhandling. Race has to be eliminated as a factor in terms of use of discretion. That has to be explicitly said, and it's got to be said without a wink. Also, the whole thing about officers lying. It has to be made very explicit that officers may not lie, that we'd just as soon lose a case. It has to be said explicitly to officers, so we don't put them into ambiguous situations where again they become dirty workers, taking enormous personal risks by doing things illegally or wrongly or immorally.

**LEN:** Lately the issue of profiling has come under intense scrutiny, and some departments are now having officers keep track of the race of those that they've stopped. What do you think of this, in light of what you've just said about guidelines for the exercise of discretion?

**KELLING:** Well, I think one would deal the same way. First of all, in city spaces I want officers to work regularly in a neighborhood, and if they work regularly in a neighborhood, and are out of their cars, they're going to know who's carrying and who's not carrying. That kind of information is available on the street, and so I'm very reluctant to think about approaches other than those kinds that are basically linked to the community, because when citizens come to know an officer, there's also protection for him or her when the officer makes a mistake. Mistakes in the business are absolutely inevitable. The difficulty with police mistakes is that they're made in the public; they're highly visible. Most of the activities of a patrol officer are public activities; and so, consequently, the public is going to know when an officer makes a tragic mistake. Police officers are in a unique position in terms of dealing with life and death in public arenas where their mistakes will become very, very apparent. So I think we've got to work hard both to give the officers the proper tools and the proper guidance, but also we have to communicate that we understand that they're going to make mistakes, and that mistakes

are different from incompetence. The experiences of the 42nd and 44th precincts suggest that even with complaints, a relatively small number of officers are accruing a large number, and that is a managerial mistake, not to identify them and to do something about it.

## Recordable events

**LEN:** Some of the larger professional organizations have come out strongly against proposals that would require officers to somehow keep track of the race of everyone they stop....

**KELLING:** But do we really want to upgrade every encounter that police have with citizens to a recordable event? If the officer's going to conduct some kind of a search, it seems basic that you're going to want to record that, so then you might as well include race as anything else. But to turn every street stop into a recordable event just seems to me to be over-formalizing the contact between police and citizens. It's like, for example, what's happened with the complaint process, where basically the process has now been formalized to the extent that there's no way for you as a citizen and the police to back down. All kinds of citizens have unpleasant experiences with police, and they could be resolved by the police officer simply saying, "I'm sorry, I had a bad day, and I know that I was grumpy." It would all be over. But we formalize it now to the extent that we're also creating another set of problems. I have a capacity for sarcasm, and I can recall times in my career when I've been sarcastic in class, and I think that's terribly inappropriate. I've never had a student formally complain, but I've gone to the student afterward and said, "Look, I was out of place yesterday. I was sarcastic and I shouldn't have been, and I apologize for it." The idea that we're going to be recording every interaction between every police and citizen, that seems to me to be largely a waste of time and over-formalizing what we're involved in.

**LEN:** Given the ongoing decline in crime, some departments are finding themselves under pressure to generate continued, more dramatic reductions, which has led to instances in which crime statistics have been fudged, and worries that departments might become overzealous in their pursuit of crime reductions. Do you see these as legitimate concerns?

**KELLING:** John Timoney and I were interviewed recently on a Philadelphia radio talk show, and he said, open up the departments; more than anything else, police departments ought to be opened up. There's very little in police work that needs to be kept secret. If we open up to public scrutiny, we can protect the confidentiality of individuals regarding personal matters. But more than anything else, I think police departments ought to be opened up for public scrutiny in every conceivable way. Anyone who knows crime reporting very well can spot the patterns that start taking place when attempted burglary starts to become malicious vandalism for property. There are things that happen that careful monitoring can take care of. The good news about New York is when some cooking of the books has gone on, they found out about it. As I understand it, in Compstat meetings, the complaint data are now going up on the screen as well.

But any time you've got a bottom line, whether it's in business or in the public sector, there's a possibility of cheating regarding that bottom line, and there's a possibility of overzealousness. And while you might look good over one quarter, if you look forward at what's going to happen over the next 10 years, it's a very different thing. It seems to me that we have to be thinking about multiple measures of police success: levels of fear in the community, citizen satisfaction with police, the crime rate, the problem-solved rate, the complaint data. But all have to be taken with a grain of salt because all the data can be manipulated. It's my guess that the perception now of the behavior of the police in New York City and elsewhere is as much influenced by the media as it is by the actual performance of the Police Department. So the only answer is that if you're going to hold people accountable, you've got to count some stuff, and the more stuff you count, the better. You want to conduct audits. And you've got to always be suspicious. In the Compstat meetings that I attended — and those were early Compstat meetings — I was impressed by the fact that management displeasure was greatest when precinct commanders didn't know about the problems in their areas. And it seems to me that the orientation we ought to have when, for example, crime stops dropping or starts to increase is an analytical one — thinking about what's going on here, what's the dynamic, and starting to consider alternative ways of dealing with whatever is going on. The fact that a problem is increasing or recurring seems to me less cause for long-term concern than if people aren't studying it and examining why it happens. And you try and reward that orientation, rather than reward drops in crime.

And let me make another point as I say this. I've argued that



# “Problem-solving has changed criminal justice”

the performance of the New York City Police Department explains a lot of the reduction of crime. But you know as well that I've attributed all kinds of other factors — the business improvement districts, reclaiming the parks, reclaiming the subways, reclaiming of Grand Central Station, etc. One can argue that from the 1970's New York City has been in the process of reclaiming itself, and what Giuliani and Bratton did was get the police active. There's this idea of tipover that has become popular, and I think they achieved a tipping point.

Even now with crime going up a little bit, I think one has to think in the same terms of what's going on in society, and to automatically say, "Look, all of that is caused by the police, they own the stats" I think, is an extraordinarily naive point of view. Whether the stats are going up or down, it's a very complicated issue. There are a lot of other people who own the stats in that neighborhood and who ought to be thinking of that and working on that problem as well.

## A metaphor & its bastard child

**LEN:** In "Fixing Broken Windows" you talk about a community policing model based on crime prevention. Could you explain?

**KELLING:** Since the 1960's the idea was that the police and the criminal justice agencies where case processors, and that the extent to which they prevented crime was through incarceration or deterrence or maybe rehabilitation. Whatever impact we had on crime was through official case-processing. So police did that more and more and got out of other kinds of business. And, of course, prevention seemed to mean massive social change. For the left, social change was redistribution of wealth; for the right, social change was ending welfare. Meantime, we couldn't do much about crime.

Historically, the police have always had an ideal of crime prevention. You could go back to Sir Robert Peel and look at his writings, and he mentions very specifically that the measure of success of a police department is not activities to suppress crime — arrests, for example — but activities to prevent crime. First of all, I think, it's by a felt presence. I have little doubt that police are felt in an area as a deterrent value. When cops are around or are felt to be around, people are not going to commit certain kinds of offenses. But the operative word there is a *felt* presence. And we know now from Kansas City — and nobody really argues this anymore — riding around in cars is not a felt police presence. So that's one way. A second way the police can prevent crime is through order maintenance. I've argued for that for half of my career now.

The third way that police can prevent crime, I think, is by solving problems, whether you do that through situational crime prevention or reducing opportunities. I also think that police prevent crime now — and I'm indebted to David Kennedy for this kind of language — by very focused deterrents. That is, identify those out in the community who are committing a lot of crime, and one, you warn them and alert them, and two, you're prepared to take them out of the community using any authority possible if they persist in their threatening and criminal activities. And finally, police prevent crime through law enforcement. By no means do I downplay the importance of law enforcement; I think it's a very important police activity. However, it is just one of a set of preventive tools that the police and criminal justice agencies use. So it ranges then from being present for order maintenance to problem-solving and situational crime prevention to focused deterrents to broader law enforcement. Those are the preventive capabilities of police. And I think one can talk about preventive activities on the part of prosecutors, preventive activities on the part of probation and parole and that all of them should be focused, again, on a neighborhood basis, organizing things to prevent crime.

**LEN:** Are we coming back around to the concept of broken windows?

**KELLING:** Well, you mentioned at the beginning of this interview that I've been associated with this idea of broken windows for a long time. It's interesting having a relationship with a metaphor that you helped to create. It turns out that right now broken windows is a metaphor that's become so widely known that, quote-unquote, everybody out there knows what it means. The advantage of a metaphor is that it startles, it calls attention to itself, and as such it is an important literary device. You use metaphors generally to try and help people wrap their minds around a fairly complex issue. The advantage of the phrase "broken windows" was that it put an idea forward simply, so that people could understand it. The trouble is once a metaphor gets reified and gets a life of its own, it begins to block thinking. For example, the criminal justice system is a fascinating metaphor that ultimately blocked analytical thinking, because everyone thought it really was a system. We thought for a long time that

these agencies were pursuing the same goal when, in fact, they were pursuing quite different goals. So the metaphor interfered with analytical thinking.

I worry now that the metaphor "broken windows," and its bastard child, "zero tolerance" are stopping thinking. When I think of how carefully we implemented the ideas of broken windows in the New York subway, how much time we spent developing training materials — what constituted obstruction? Why didn't obstruction work as a law enforcement idea? What does aggressiveness mean within this context? What constitutes lying down? We debated all of these issues, all the way from constitutional issues to very pragmatic issues. It took us months to do this skillfully, and a lot of personnel were involved in it, but we were convinced that we had to do it right. Finally, there had to be management changes to do it right, so Bratton was brought in. To go from that kind of deliberate work in order to make sure those things are understood and done right by the line cops to saying, "We're going to do 'broken windows' tomorrow," is for me an extraordinarily frustrating outcome of what I think is a relatively straightforward but still highly nuanced position. One of the frustrations that I have now in addition to this is the caricature that has developed in terms of people equating what I have written to zero tolerance and doing so without any reference to the elaboration of the idea into policy in "Fixing Broken Windows." Many of the critics of broken windows stop with the original article. I question that because it isn't until you start to implement those things, get in touch with the real world, deal with all the value considerations, which we try to explicate in great detail in "Fixing Broken Windows." It gets frustrating for me when people don't give credit to the extent to which we wrestled with legal, constitutional and moral issues at great length when we implemented these policies.

## Back to the source

**LEN:** Earlier you mentioned the Kansas City patrol experiment, another bit of ground-breaking research that has at times been

---

**“The advantage of the phrase ‘broken windows’ was that it put an idea forward simply. The trouble is once a metaphor gets a life of its own, it begins to block thinking.”**

---

reduced to having its real findings over-simplified or lost in translation....

**KELLING:** Right. People don't read the original stuff. One of the things that I've enjoyed about Rutgers is teaching a course on the Evolution of American Policing, and I have the students read all the original materials. It's amazing how many students, even at a doctoral level, never read Egon Bittner, or Jerry Skolnick, or James Q. Wilson, or O.W. Wilson, or August Vollmer, but know all about their positions. It seems to me that police scholars have an obligation to understand the river that they're in.

**LEN:** Are there salient points about that study that are worth introducing to today's generation of police, many of whom, after all, were not in policing when that study came out?

**KELLING:** The confusion that still operates to this day is that people think it has something to do with the number of officers, and some fairly sophisticated people have used that argument although the study says nothing about the number of police. And the second point is that it was an examination of a tactic, a series of causal linkages, and the tactic was that the police, based on O.W. Wilson's work, felt that by moving cars quickly through city streets they could create the feeling of omnipresence. It was the omnipresence that was tested, the extent to which they could create that feeling. The result was that citizens didn't even know whether we increased or decreased the level of patrol. So it was a test of whether you could create a feeling of omnipresence and get some impact from that omnipresence in terms of the behavior of citizens. And, of course, it stands in stark contrast to the foot patrol study, which was very different.

**LEN:** Many tend to mark the Kansas City experiment as the launch pad from which much of the growth in police research has stemmed over the past 25 years. What would you identify as some of the most illuminating research studies and reports in policing since the Kansas City study?

**KELLING:** All the research, it seems to me, stands somewhat in the shadow of the President's Commission of the 1960s. A lot of people interpret the President's Commission, the main report, as a relatively radical document. Some of the sub-reports, especially

the one on the police, are really remarkable. But if you look at the basic document, it combined two things; one, the progressive reform agenda for police, and that was better education, better recruitment, better training. It had been the reform agenda, restated. Added to it were some very important things. It was a call for justice, and it was appropriate in that regard, and it was a call for recruitment of minorities and changing the relationship of police to minority communities. That needed to be said and it needed to be said powerfully.

But apart from that, as a formula for change, I don't think it was a very important document. In fact, I think one can argue that it held us back in terms of thinking. For me, the shaping document was the American Bar Foundation Report of the 1950s, which was a remarkable piece of research, still the most comprehensive research about criminal justice that's ever been conducted. It is rarely, rarely read, and unfortunately not many people are familiar with it. But I think that there was a line of thought that went from the American Bar Foundation through Herman Goldstein at the University of Wisconsin, and that line of thought was the complexity of the problems with which police deal and the complexity of their responses to these problems. And that goes for prosecutors, it goes for correction, and it goes for courts. But for a variety of reasons, including the Police Foundation of the 1970s, when it was a grant-giving organization and, despite itself, a research organization, a line of thought got developed that I think led to the developments we have today. So I want to begin by saying that there's this line of thought that started with the ABF studies. You know, Herman Goldstein observed police in that study, and I think its focus on problem-solving completed the link between the ABF studies and contemporary policing. And then, of course, we had those studies, Wilson, Skolnick, Bittner and a whole series of other studies that followed shortly thereafter, all of which restated the basic issue of the American Bar Foundation about how complex policing was.

So we had those path-breaking studies. And then, of course, we had the Rand study, which was basically an audit on detec-

tives. The importance of the Rand study was that it allowed a lot of chiefs to get their hands around detectives because, as you know, detectives had been political units in their own rights inside of police departments. A lot of chiefs had a lot of difficulty trying to manage them, and it finally gave them the justification for moving in on them. Then, of course, you had the ideas that ran from Kansas City to foot patrol, and they were these issues of presence and patrol. There was this increasing political demand for a felt presence of police again. Politicians understood it. Every time Kevin White ran for Mayor in Boston, he would start up foot patrol again. Police executives opposed it as a yearning for another day. Of course, in some respects that is true.

Then there was the evolution during the 1980's of collaboration. I was involved in evaluating the Urban Initiatives Anti-Crime Program for HUD in the early 80's, and that was a story of nothing happening. Now I've looked at the Comprehensive Communities Program. The decentralized coalitions around neighborhoods that are developing in places like Salt Lake City and Boston are remarkable collaborations that one wouldn't have predicted based on what was going on in the early 1980's. You know, I've rarely used the term "criminal justice system," but I'm almost prepared to start using the phrase because when I watch the collaborations now — and Boston is a good example — among police, prosecutors and probation, true, it's still at the early stages, but I think we're really seeing an idea of focusing around the problem. Of course, we go back to the ABF and to Herman Goldstein's work, which kept in front of us the idea of the complexity of the phenomenon with which we deal. I think we went awry in terms of domestic abuse, and I don't think we're further ahead in that thinking than we were in the late 1970's when [Raymond J.] Parnas was writing about the complexity of domestic abuse and how to manage discretion.

So I think we've had complexity held up constantly, and I think we have this powerful thrust toward problem-solving, which was terribly important and has changed all of criminal justice and much of city management, too. That was a very powerful move. I think that the good thing that's happening now, in New York City and nationally, is not that we're going to be counting field interrogations, but that it pulls us back and says, we have to look at this business of discretion and being very explicit and open about what we're going to do. I can still

Continued on Page 14



# Doj probe of NJSP profiling ends in decree

Justice Department officials will not officially divulge how closely the findings of their two-year investigation into racial profiling by State Police along a stretch of the New Jersey Turnpike and in two State Police barracks paralleled those of a probe conducted in much the same area by the New Jersey Attorney General's office. Nevertheless, the conclusions were apparently similar enough to prompt state officials in April to agree to a consent decree in lieu of a Federal civil rights lawsuit.

Earlier in the month, Gov. Christine Todd Whitman and Attorney General Peter Vemiero, who has since been confirmed for a seat on the state Supreme Court, conceded after months of denials that some troopers had stopped black and Hispanic drivers based on race. A disproportionate number were then searched and treated aggressively, according to a two-month study of selected motor-vehicle stops by troopers.

According to the report, of the 87,489 motorists stopped along the Turnpike by troopers from the Moorestown and Cranbury barracks during the 20 months ending this past February, 59.4 percent were white, 27 percent black, and the rest Hispanic, Asian and "other." Of the 1,193 vehicles searched during a slightly longer period, a whopping 77.2 percent were found to have been driven by blacks or Hispanics, and just 24.1 percent by whites.

The report also found that 62 percent of those charged as a result of the stops were black.

During a press conference, Whitman said the findings of Vemiero's

report surprised her, this despite years of accusations by black motorists, civil rights advocates and even some troopers of searches based on ethnicity and race.

"To see numbers that indicate that fully 77 percent or more of those asked to consent to a search of their vehicle during a stop are minorities is extremely disturbing," said Whitman. "It is not something that any of us had any reason to anticipate, because they are numbers that none of us had seen before."

A senior official in the Justice Department who asked he not be identified told The New York Times that there was not much disparity between the findings of Vemiero's investigation and the Federal inquiry. "Much of our focus was on the same area of I-95 that they identified in their report," he said. "We had the focus also on the Moorestown and Cranbury stations, and that certainly was the focus of many of the complaints of motorists."

In a letter to Vemiero on April 26, the Justice Department's Civil Rights Division informed him and Whitman that it had enough evidence of troopers stopping and searching motorists to justify a lawsuit against the State Police. The suit was deferred, however, when state officials said they would work out a voluntary out-of-court agreement. With 2,700 officers, the New Jersey State Police is said to be the largest law enforcement agency to enter into such discussions, and the first statewide organization in the nation to do so.

Under recommendations included in the state's study, which Justice Department officials considered a "good start-

ing point" for negotiations, the procedure for traffic stops would be revised so that troopers had to inform a dispatcher about the exact reason for a stop before leaving the car. Also, statewide drug enforcement efforts would refocus on larger "impact cases," rather than random "targets of opportunity" like individual cars. A quarterly public report on the breakdown of minority and non-minority motorists who are the subject of various actions by the State Police was also suggested.

Vemiero did not suggest the appointment of an independent civilian agency to monitor the problem, as is the case in Pittsburgh and Steubenville, Ohio, the only two police departments in the country to enter into a consent decree. In those cities, police brutality was at issue.

In a four-paragraph statement issued by Vemiero, the Whitman administration acknowledged the consent decree agreement. "The Civil Rights Division of the United States Department of Justice has authorized the filing of a civil suit against the Division of the State Police alleging that State Police officers have engaged in discriminatory law enforcement," read the statement. "As a matter of practice, it is my understanding this is a necessary procedural step that must be taken by the Justice Department in order for a settlement to occur."

At the same time that the reports were released, Vemiero said the state would drop its appeal of a 1996 State Superior Court decision in Gloucester County, in which a judge dismissed charges against 17 black defendants

because he found they had been stopped because of their race.

Allowing that ruling to stand will open the door for dozens of defendants who will try to have their charges dismissed on similar grounds, Vemiero acknowledged. One defense attorney, however, said that whenever he has a State Police case, he immediately files for suppression on the basis of racial profiling. "And now guess what? The state agrees with me," said Robin Kay Lord, a Trenton criminal defense lawyer who told The New York Times that he had a dozen such motions pending.

Also revealed by the Vemiero report is a practice known as "spotlighting," in which troopers park their cruisers at right angles to the highway so that their headlights illuminate the interiors of passing vehicles. The position, which would render radar equipment ineffective, seem to support the suspicion that troopers are taking race and ethnicity into account, said the study.

The report came out one day after two troopers, John Hogan and James Kenna, were indicted by a grand jury for what is called "ghosting," or disguising the race of motorists so that reports do not reveal a disproportionate number of blacks and Hispanics pulled over. Hogan and Kenna have been suspended from the force and are still under investigation in the shooting of three young minority men they stopped on the Turnpike on April 23, 1998. The troopers fired 11 shots into the motorists' van after it began to roll backwards toward them.

A suit filed by the victims in State Superior Court claims the men were denied potential athletic scholarships and promising basketball careers by the actions of the troopers. The stop itself, the lawsuit asserts, was based on the discriminatory practice of racial profiling. It also charges that the troopers were encouraged by supervisors to conduct stops based on race and ethnicity, and that the practice had been ignored by state officials for years.

In addition to seeking unspecified

damages, the suit asks for injunctive relief to end racial profiling and any practices that encourage it. Linda Kenney, a lawyer for one of the plaintiffs, Keshon Moore, noted that the indictment charge against Hogan and Kenna of falsely recording the race of motorists indicates that they filed one such report just 50 minutes before her client and the others were stopped.

Even as state officials come to terms with troopers singling out blacks and Latinos for searches on the state's highways, it was revealed that for years state police have been enlisting hotel and motel workers as confidential informants in an effort to catch Latino and West Indian drug smugglers at hotels along the Turnpike.

The Hotel-Motel Program, operated since the early 1990s by the NJSP's special projects unit, paid informants up to \$1,000 for tips that led to successful arrests. Hotel managers who participated in the program said troopers routinely rifled through credit card receipts and registration forms without warrants. In a series of seminars, employees said they were told by troopers teaching the class to be particularly suspicious of Spanish-speaking guests, those who paid for their rooms in cash, made frequent phone calls, or moved from room to room.

Clo Smith, a front desk clerk at the Holiday Inn near Newark International Airport, told The Times that she was offended when a State Police detective suggested Spanish-speaking guests should be treated with more caution than those who spoke English. "Let's just say I found it somewhat insensitive," said Smith, a union steward for Local 819 of the International Brotherhood of Teamsters, which represents front desk employees.

State Police officials, however, deny that race plays a significant factor in determining which guests could be drug smugglers. "Believe me, these days, we're very careful not to do anything like that," said the unit's commander, Lieut. Bruce Geleta.

## NJSP college requirement draws fire as discriminatory

Continued from Page 1

this dilemma is to connect recruiting with college and university attendance and not just go out into the general public with these ads that are basically fluff and won't work."

Lou Mayo, executive director of the American Police Association, said that those departments that have instituted four-year degree requirements have not found it difficult to recruit an adequate number of minority candidates. Two cases in point, he said, are the police departments of Portland, Ore., and Tulsa, Okla. "[Portland] Chief Charles Moose said they put the requirement in two years ago and have had no problem with that," said Mayo.

In Tulsa, a cadet program with an emphasis on minorities was established under an out-of-court settlement with the NAACP, he said. It allows candidates to work part-time at the department while completing a degree program with tuition reimbursement.

"At the end of the four years, they have a college degree so they win, and the Police Department has had four years to look them over and decide whether they want them as an officer, so they win," said Mayo. "The NAACP withdrew its suit based on this cadet recruitment plan for minorities."

Even within NOBLE's leadership, there is no "clear-cut" agreement on college requirements, said Bob Stewart, that group's executive director. What has seemed to occur in many jurisdictions, he said, is that the negotiated

settlements arising from these challenges turn out to be the most comprehensive approach of all — as in the case of Tulsa, Stewart noted.

"It could be investing in a cadet program, putting some money into incentives for on the job schooling, and then setting a target for a college requirement for some point in the future," he told LEN. "That tends to cover all the bases."

New Jersey state officials, while acknowledging that the number of minority academy graduates dropped sharply in the years following the lifting of the decree, dismiss charges of racial discrimination. They point to other factors as primary contributors to the problem, including the inability to set minority hiring quotas, academy classes that do not coincide with college graduations, the heavy reliance on top scorers in the written exam, and poor recruitment efforts.

Robert J. Caccese, the director of operations and audits for the state Attorney General's office, said the college requirement is not the culprit. A college degree is necessary, he said, because unlike troopers in other states whose duties are mainly to patrol highways, New Jersey troopers in their first or second year on the job are expected to participate in a wide variety of duties, such as lab work, flying helicopters and working in the state's high-tech unit.

One of the problems has been that academy classes are predicated on hav-

ing money in the budget, he said. With no academy classes between the years 1989 and 1993, many candidates opted for other jobs. In the future, classes will be scheduled in accordance with spring and winter commencements, said Caccese.

To correct other shortcomings uncovered in a report submitted last year by the Police Executive Research Forum, which was hired as a consultant to study the situation, the State Police has doubled the size of its recruitment staff to 12. The unit has increased the number of trips it now makes to colleges, said Caccese.

Also, in keeping with a PERF recommendation, the State Police is now taking recruits with scores that fall below the top 100 to achieve more ethnically diverse and balanced classes, Caccese said. The practice is legal, he told The Inquirer, as long as all those who are chosen have passed the test. A mentor program for female and minority candidates is also being implemented to ensure those candidates succeed at the academy, he added.

The NAACP's suit, however, disputes several of the assertions upon which the recent changes have been based. There are no studies that show minority candidates to be more likely to give up waiting for an academy class than white applicants, said Rose. And under State Police practices, he noted, the first five years of a trooper's career are spent patrolling the highways, not working in other areas of the agency.

## Minority troopers, angry at union, may form own group

Arguing that the State Troopers Fraternal Association does not address their concerns over hiring, retention and promotion, as many as half of New Jersey's minority troopers have begun the process of incorporating a separate organization to act as a watchdog group.

"They've proven to us that they just can't deal with us," said one minority trooper who spoke with The Philadelphia Inquirer on the condition of anonymity. A State Police regulation, he said, prohibits him from speaking to the media about agency policy. "The consensus is that it's time for us to set ourselves up with an association of people who are like us and can deal with our concerns."

The new minority trooper organization will be open to anyone hired under a 1975 Federal consent decree that mandated the State Police to increase the number of minority troopers from 1 percent to 14 percent. Those classes include white women, as well as racial and ethnic minorities of both sexes.

"We're not here to harm the State Police and its hierarchy in any way," said the minority trooper. "We're all

proud to be troopers. We just want to make it a better situation for everybody."

The group would not try to take over collective-bargaining functions, he said, but rather focus on the hiring, retention and promotion of minority troopers, and the availability of assignments.

The minority trooper singled out for criticism a newsletter published by the STFA that questioned minority promotions. One paragraph in the Dec. 4, 1997, newsletter read: "STFA notified Nov. 12th SUPT would announce '125+' promotions Dec. 22nd effective Jan. 3rd '98. Will it be a 'minority list' as rumored but denied by Division — we'll wait and see!"

Thomas J. Iskrycki, president of the STFA, said that he could not see what their "so-called complaints" were. He denied that minority troopers are treated differently from white troopers by the union.

A spokesman for the State Police, John R. Hagerty, said the agency was not aware of any move to form a separate police association, but that it was not a State Police concern.



Calhoun:

## Life after Littleton: We are all on the hook

By John A. Calhoun

The tragedy in Littleton, Colo., struck all of us hard. With the Conyers, Ga., shooting, the nightmare continued. As we speak with family, colleagues and friends amid grief, outrage and "what to do," each of us wrestles with the devastating events, sometimes arguing with, and sometimes agreeing. If we're honest, discomfort is a given. If we are passionately for gun control, we cannot deny the underlying causes of violence. If we come down on the side of blaming the culture, how do we explain away more than 14,000 deaths — homicides, suicides and accidents — by firearms? Comfort must not be our goal; it will not solve the problem.

Simply put, we must do three things:

- 1. Get guns out of the hands of kids.
- 2. Get adults into the lives of kids.
- 3. Get kids into the life of the community.

Getting guns out of the hands of kids: Why do we have major fights over trigger locks when we mandate safety caps for prescriptions and seat-belt use in cars? Why does a one-gun-a-month purchase restriction upset anyone except gun traffickers? Why are so many kinds of gun sales exempt from so many of the rules? Why don't we hold criminally responsible adults who make it possible for children to get their hands on weapons? Why can't we wait three days to purchase a gun, when that might curb an impulse and save a life? We've done a stunning job in reducing crime to its lowest level in 30 years. Our crime rates are now comparable to or better than those of such major foreign cities as Paris, Berlin, Amsterdam and Sydney, with one exception — homicide by firearms.

Getting adults into the lives of kids: Why don't we spend more time just being with our children rather than doing, doing and doing? Kids need adults desperately. The isolation and worry of adolescence are real. Kids need the relationship, the love, the limits, the support and the guidance. Youth may reject us, but we cannot reject them. The message to parents, coaches, teachers, mental health workers, anyone whose life impinges on kids is: Engage them, and engage them for the long term. We need adults who care, but we also need strong adults who refuse to cede their value-setting responsibilities to a popular culture awash

in shameless, gratuitous violence in videos, computer games, movies and music.

Getting kids into the life of the community: Why do we demonize teens when we know that the vast majority are good? Six out of 10 of our teens volunteer, compared to 49 percent of adults. Harris and Klebold, the Columbine High School shooters, will be remembered for years, while few will recall Aaron Hancey, who tried to save the life of his teacher in Columbine's bullet-strewn hallway. This country has millions of Aaron Hanceys and other young people who do the right thing. Why not invest in them and celebrate them?

Many youth are alone or feel alone, discon-

nected from family, neighborhood, school, friends, even from the future. Yet most of our policies center on controlling (punishment, supervision) or repairing ("fixing" after the damage is done). Though each may be appropriate in certain circumstances, little is done to connect, to engage, to claim young people as part of the community. We must tell our young people that they are needed and passionately claimed. We must communicate to our youth that they have skills and talents that their communities need now. Instead of equating success with the absence of trouble, we should insist on a higher standard: active involvement and energetic engagement. Psychologically, it is bond-

ing. Politically, it is asking youth to become signatories of the social contract.

There is no single answer. Those who demand one solution or insist on a quick fix strip responsibility from each of us. We must ask our civic leaders to move forward, but we must first answer this question for ourselves: What will I do? There is but one inexcusable response — failing to act. We must choose: discomfort and action, or comfort and more Littletons. We are all on the hook.

John A. (Jack) Calhoun is executive director of the National Crime Prevention Council.

Sherman:

## Doing what works to fight school violence

By Lawrence W. Sherman

School violence cannot be separated from youth violence. Both problems are heavily concentrated in a small number of schools in urban poverty areas. The highly publicized mass murders are a statistically aberrant, needle-in-a-haystack variation on the problem. These incidents are terrible tragedies that should and do produce valuable national dialogue, but in setting long-term public policy, we need to focus on where the core of the problem lies.

Not all children are equal in their risk of being murdered, either in school or out. Seventeen percent of schools in cities report at least one violent incident in a year, compared to 11 percent on the urban fringe, 8 percent of rural schools and 5 percent of schools in small towns.

The best predictor of the safety of a school is the safety of its neighborhood. Research on school safety shows that the causes of violence and drug abuse in schools have only a modest connection to what goes on within their walls. The fact that most youth violence outside schools suggests that schools actually do a pretty good job of protecting students against violence for seven hours a day. Once the effect of neighborhood violence rates is controlled, there is only minor variability

remaining in the safety of each school.

Serious violence in this country is heavily concentrated in a small number of neighborhoods in a small number of cities. Yet the lowest level of crime prevention spending per homicide is found in those areas, while most Federal funding is actually spent in low-risk areas — even for programs like the 100,000 extra police through the COPS program. Half of all homicides in the U.S. occur in the 63 largest cities, which house only 16 percent of the population. Most of the homicides in those cities occur in a handful of concentrated poverty areas, which in turn may constitute some 15 to 20 percent of the populations of those cities. Our national rates of serious crime — in and out of schools — are heavily determined by what happens in our most violence census tracts. With very few exceptions, however, Federal policy does not focus funding on those areas where the most violence occurs.

The mismatching of Federal funds and the problem of violence is not the policy of any Federal agency, but of the legislative formulas used to allocate the funding. Most of those formulas are based on population, and give zero weight to the per-capita level of violence in a state or community. Put bluntly, the formulas put violence-

prevention funding where the votes are, not where the violence is.

We should invest Safe and Drug-Free Funds in more police around violent schools. Since 1986, the Safe and Drug-Free Schools Program has given over \$6 billion to 15,000 local school districts and 50 state governors. There is no evidence that schools are safer or more drug-free today than they would have been without the program. According to a Los Angeles Times report last summer, much of this money has gone to performing magicians, fishing trips and concerts. The U.S. Department of Education has been handicapped by statute in its ability to control how this money has been spent. The basic question is whether that money would be better spent on extra police to protect young people from violence in high-risk areas, working in collaboration with schools and other local institutions.

Police can make a difference. More police can mean less crime. More specifically, research shows that putting police at the hot spots at the hot times reduces crime. Three percent of the addresses in this country produce half the crime. Using computerized crime-mapping software, police departments can accurately measure and analyze the nature of crime and provide valuable guidance to police and community leaders. Several scientific studies have shown the strength of programs that take illegally carried guns off of our streets, particularly from youth near parks, playgrounds and schools. Several cities and counties have done these programs in ways that reduce crime in a manner that is constitutional and has the support of the residents of high-crime areas. Doing this in collaboration with school-based officers could make them even more effective. Until Federal, state and local leaders concentrate their time and resources in areas where most of the crime occurs, we will not make substantial progress in ensuring safe schools.

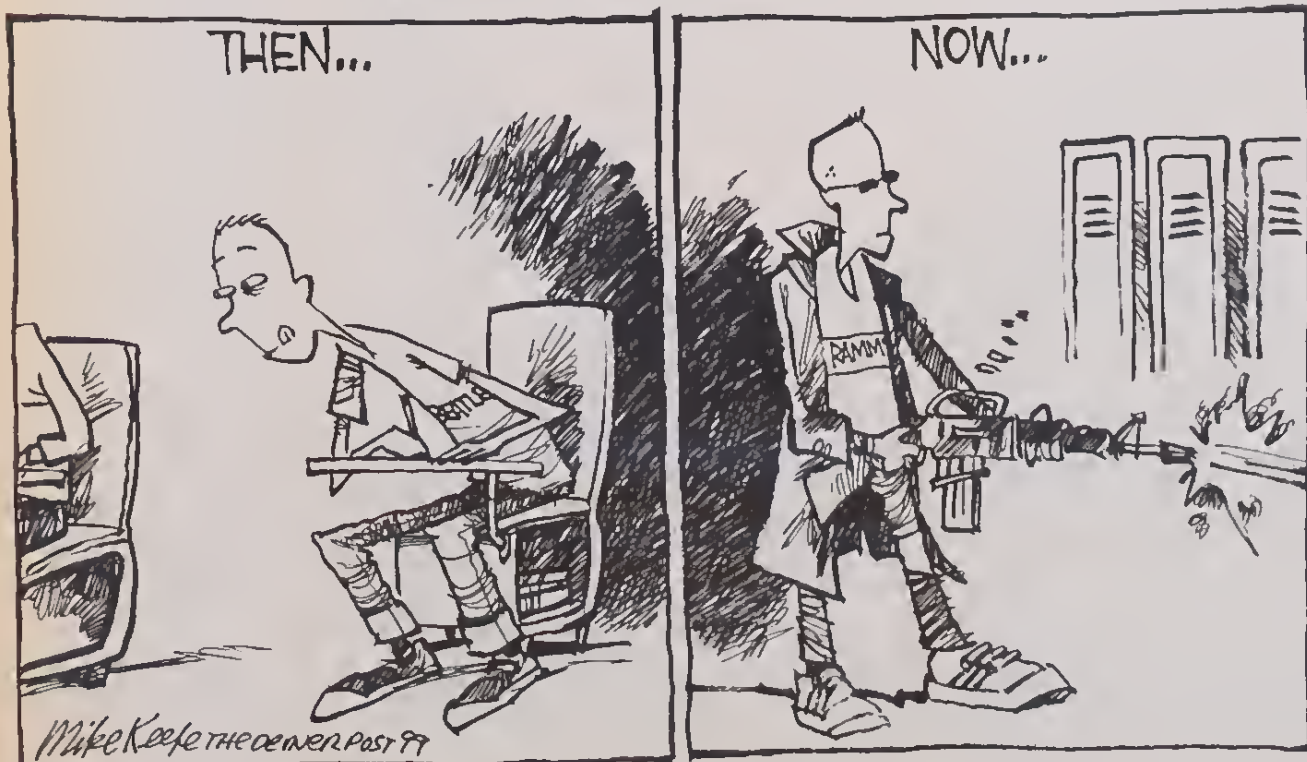
Dr. Lawrence W. Sherman is Distinguished University Professor and Chairman of the Department of Criminology and Criminal Justice at the University of Maryland-College Park. This article is adapted from his recent testimony before the House Government Reform subcommittee on criminal justice, drug policy and human resources.

### Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.

## HIGH SCHOOL COPYCATS...





# New impetus for NYPD cultural sensitivity training

Continued from Page 1  
Caribbean/American Experience, was developed by John Jay College of Criminal Justice, one of four partners that make up the RCPI, along with the New York City Police Department, the state Bureau for Municipal Police and the Citizens Committee for New York City, a nonprofit group.

The curriculum also discusses responses common to an individual group which could help defuse a potentially violent confrontation. Herbert Johnson, who led John Jay College's participation, said that in developing the Chinese component, a Chinese officer noted that those speaking in Mandarin often sound like they are arguing.

"Officers need to know that just

because people are getting excited doesn't mean something is going to happen," Johnson told Law Enforcement News. "This is the way they express themselves. It's important when you know that, so you can react appropriately and not overreact."

In developing the program, the RCPI used focus groups in the community and within the NYPD, and participated in ride-alongs with officers, said project director Lancelott Smith. The program also includes a videotape portion that begins with a presentation by Police Commissioner Howard Safir, and follows with a section in which training supervisors and a mentor officer discuss their experiences on the street and how important it proved un-

der some circumstances to know basic expressions in the four languages.

Last year, some 1,041 rookie officers received the training — albeit without the newly developed African-Caribbean/American Experience component. But the death of Diallo, an unarmed African immigrant who was shot and killed by members of the department's Street Crime Unit in front of his Bronx apartment building, prompted a reevaluation of the program, said Johnson.

"I can certainly say it got everybody's attention," he said. "It may have even elevated the priority of the whole concept. Initially, I don't know how many people were on board with the importance of this as a training for law enforcement. With the Diallo case, it hit home the value it has and how important it can be in terms of strategies for law enforcement officers on the street."

As a result of the Diallo shooting, Johnson said, the emphasis within the African-Caribbean/American Experience segment may be broadened to include discussions of cultures from continental Africa.

Smith and Johnson said they are hopeful that the training will have an

impact, although they acknowledged that bigotry and prejudice are difficult to change. Leadership, they said, is a crucial factor in augmenting the training. Bias is a societal problem and not exclusive to the police community, noted Johnson, but law enforcement stands a better chance of overcoming discrimination than other professions

because of its paramilitary structure.

"I was in the military," said Johnson, "and the watchword was, 'We can't make you do anything, but we can make you wish you had done it.'" Law enforcement can have real success in making these changes, he said, if top leadership gets the word out that such behavior will not be tolerated.

## Life after Diallo: Why are NYPD arrests down?

Continued from Page 1

matter how recently they have joined the unit, will get the upgrade and the pay increase, said Det. Walter Burns, a police spokesman.

Whatever problems occurred within the Street Crimes Unit that caused a drop in the number of arrests and stop-and-frisks seemingly spread throughout the department after the four officers involved in the Diallo shooting, Sean Carroll, Kenneth Boss, Edward McMellon and Richard Murphy, were indicted on second-degree murder charges on March 31, prompting an angry, public response from hundreds of officers.

According to department statistics, the number of people arrested in April fell to 30,134 from the previous month's 35,813. The number of criminal complaints fell by 12 percent during the first four months of this year compared to the same period in 1998.

The number of summonses issued by police dropped by 11 percent during a single week in April, with fewer quality-of-life tickets given for violations such as urinating in public and drinking alcohol on the street. Between April 12 and April 18, some 5,628 summonses were written, as compared to 6,314 during the same period last year.

While police officials fear a work slowdown may be in progress, others

believe that a lack of morale and the intense focus on the NYPD by the media in the wake of the Diallo shooting may be to blame for recent decline in the number of arrests.

Patrolman's Benevolent Association president James Savage pointed to a morale problem in the precincts that may be contributing to the cut back in arrests. With the mistrust of the city administration felt by many patrol officers, Savage told The Times, productivity may be negatively affected.

"Maybe they're not as anxious to go out there after the petty offenders just for the sake of numbers," Savage said. In fact, two weeks after the street crime officers were indicted, on the same day that the union voted no-confidence in Safir, the PBA president urged officers to use "maximum discretion" when ticketing people for quality-of-life crimes.

But Safir's predecessor, former Police Commissioner William J. Bratton, believes the decrease to be what he called a "peacetime dividend." As the city becomes a more orderly place, he told The Times, there will be a trend toward fewer arrests.

"As I go around the city, I just don't see the kind of activity that would draw a police officer's attention," he said. "At some point in time, arrests are going to come down."

## LEN interview: George Kelling

Continued from Page 11

remember when we were planning in the subway. Those were wide-open meetings; people would discover when those meetings were going to be held, and would come and sit in and watch us debating and thinking. It's this whole idea of acknowledging the discretion, acknowledging the fact that these are very difficult, thorny issues with which to deal, and then to make our thinking open and public about that. These are the critical issues now, because we know how to do some stuff now. I mean, we know how to do what's done in Boston; we know how to do order maintenance — we know how to do it well, and we know how to do it badly. It seems to me that the potential good outcome is we take seriously the fact that we have to develop these guidelines and develop them publicly.

**LEN:** Have there been any developments that particularly troubled you over the past couple of decades, some changes in policing that really make you nervous?

**KELLING:** The teaching of fear. In many locations we are systematically training officers to be overly fearful of citizens, and we are training them in approaches to citizens in which conflict becomes a self-fulfilling prophecy. That is, officers begin contacts with such use of preemptive force, threats, etc., that the interactions are just doomed. On the one hand, we have this powerful movement toward the community, and then we have this militarization that's going on simultaneously with these special units with their helmets and their goggles, etc. This over-militarization still characterizes the training, and the idea of training people to be fearful of citizens, I think, is a disaster.

At the same time, we're at a time of tremendous opportunity for policing, and we have police leadership that I think is so sophisticated. Unfortunately, three of the best, Sanders, Nowicki and Bratton, are out now, and that's a shame. But we have young people coming up as well, like Ed Flynn in Arlington, and soft-spoken commissioners like Paul Evans in Boston and Chuck Ramsey in D.C. So we've got to see what this new generation is going to come up with.

### Don't leave us behind!

The U.S. Postal Service does not forward third class or bulk mail, so if you're planning to move and you'd like your LEN subscription to follow you to your new home or office, please send a change-of-address notice to the Subscription Department at least 6-8 weeks prior to effective date. (Phone: 212-237-8442; fax: 212-237-8486.) Thank you.

## Headlines are not enough

Affirmative-action programs looking a little black & blue  
The jury is still out on community policing  
Maternity-leave  
Police force is too much  
Time to rethink academy & field training

To do a tough job in changing times, you need timely, comprehensive, straightforward information. For the latest trends and ideas, turn to **Law Enforcement News**. Twenty-two times a year, we'll put you in touch with the thinking of those who are shaping law enforcement policy and practice.

**YES!** I'm ready for the professional advantage of **Law Enforcement News**. Enter my one-year subscription and bill me just \$22.00. (Return the coupon to LEN, 555 W. 57th Street, New York, NY 10019.)

Name/Title \_\_\_\_\_

Agency \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/State/ZIP \_\_\_\_\_

**Law Enforcement News**

(51599)

A publication of John Jay College of Criminal Justice/CUNY



# Upcoming Events

## JULY

**6-9. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Toronto, Ontario.

**6-9. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Calgary, Alberta.

**7-9. IA Trak Training Course.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$395.

**7-9. Forensic Light Energy.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$425.

**7-9. Administration, Managing & Supervision of the Field Training Officer Program.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$425.

**12-14. Advanced Tactical Management for Commanders & Supervisors.** Presented by the International Association of Chiefs of Police. Carbondale, Ill.

**12-14. Risk Management for Law Enforcement Agencies.** Presented by the International Association of Chiefs of Police. St. Charles, Mo.

**12-14. First Line Supervision.** Presented by the International Association of Chiefs of Police. Lakewood, N.J.

**12-14. What Every New Police Chief Needs to Know.** Presented by the International Association of Chiefs of Police. St. Louis.

**12-16. Managing the Patrol Function.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

**12-16. Advanced FoxPro CDI Programming.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$695.

**12-16. Police/Medical Investigation of Death.** Presented by the International Association of Chiefs of Police. Miami, Fla.

**12-23. At-Scene Traffic Accident/Homicide Investigation.** Presented by the Institute of Police Technology & Management. St. Petersburg, Fla. \$695.

**13-16. Investigation & Prosecution of Child Abduction.** Presented by the National Center for Prosecution of Child Abuse. San Francisco. \$175.

**13-16. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Indianapolis.

**13-16. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Austin, Texas.

**13-16. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Detroit.

**13-16. Criminal Patrol Drug Enforcement.** Presented by the Institute of Police Technology & Management. Madisonville, Ky. \$395.

**19-20. Developing Facilitation Skills.** Presented by the International Association of Chiefs of Police. Alexandria, Va.

**19-20. Reducing School Violence.** Presented by the International Association of Chiefs of Police. Hillsboro, Ore.

**19-21. Annual Meeting: "Criminal Justice: A Partnership Enterprise."** Presented by the National Criminal Justice Association. Pittsburgh, Pa.

**19-21. Interview & Interrogation Techniques.** Presented by the International Association of Chiefs of Police. Chester, N.Y.

**19-21. Critical Incident Management.** Presented by the International Association of Chiefs of Police. White Bear Lake, Minn.

**19-23. Symposium for the School Resource Officer.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

**19-23. Seminar for the Field Training Officer.** Presented by the Institute of Police

Technology & Management. Jacksonville, Fla. \$525.

**19-23. 26th Annual Training Seminar for Law Enforcement Chaplains.** Presented by the International Conference of Police Chaplains. Columbus, Ohio.

**19-23. Law Enforcement Ethics: Train the Trainer.** Presented by the Southwestern Law Enforcement Institute. Portland, Ore. \$495.

**20-22. Symposium on Alcohol & Drug Enforcement.** Presented by the Institute of Police Technology & Management. Palm Beach Gardens, Fla. \$350.

**20-23. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Orlando, Fla.

**20-23. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Cincinnati.

**20-23. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Houston.

**22-23. Search, Seizure & Evidence Preservation.** Presented by the International Association of Chiefs of Police. Silver Spring, Md.

**23. In-Car Video Requirements: Training for DUI Enforcement & Prosecution.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$150.

**26. In-Car Video Requirements: Training for DUI Enforcement & Prosecution.** Presented by the Institute of Police Technology & Management. Orlando, Fla. \$150.

**26-27. Leadership & Quality Policing.** Presented by the International Association of Chiefs of Police. Sparks, Nev.

**26-28. Internal Affairs: Legal & Operational Issues.** Presented by the International Association of Chiefs of Police. Buffalo Grove, Ill.

**26-29. Police Media Relations.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**26-30. Advanced Hostage Negotiations.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$550.

**26-30. School Yards or Battle Fields.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

**27. Police Matron Course.** Presented by the Criminal Justice Institute of the College of Lake County. Grayslake, Ill.

**27. In-Car Video Requirements: Training for DUI Enforcement & Prosecution.** Presented by the Institute of Police Technology & Management. St. Petersburg, Fla. \$150.

**27-28. Mentol Preparation for Armed Encounters.** Presented by the International Association of Chiefs of Police. Durham, N.H.

**27-30. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Nashville, Tenn.

**27-30. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute.

Minneapolis.

**27-30. Nonviolent Crisis Intervention.** Presented by the Crisis Prevention Institute. Springfield, Ill.

**29-Aug. 1. Frontiers of the 21st Century.** Presented by Police Futurists International. Washington, D.C. \$360.

## Nowhere to Go, Nothing to Do?

Not likely if you check the Upcoming Events listings in every issue of Low Enforcement News. Honing your professional skills has never been easier.

## For further information:

Addresses & phone/fax numbers for organizations listed in calendar of events.

**CQC Service Group,** Kingsbury Lane, Billerica, MA 01862. (617) 667-5591.

**Criminal Justice Institute,** College of Lake County, 19351 W. Washington St., Grayslake, IL 60030-1198. (847) 223-6601, ext. 2937. Fax: (847) 548-3384. E-mail: rubel@clc.cc.il.us.

**Crisis Prevention Institute,** 3315-K North 124th St., Brookfield, WI 53005. 1-800-558-8976. Fax: (414) 783-5906. E-mail: info@crisisprevention.com. Web: <www.crisisprevention.com>

**Delinquency Control Institute,** P.O. Box 77902, Los Angeles, CA 90099-3334. (213) 743-2497. Fax: (213) 743-2313.

**Hutchinson Law Enforcement Training,**

**LLC,** P.O. Box 822, Granby, CT 06035. (860) 653-0788. E-mail: dhutch@snet.net. Web: <http://www.patriotweb.com/hlet>.

**Institute of Police Technology & Management,** University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216. (904) 646-2722.

**International Association of Chiefs of Police,** P.O. Box 90976, Washington, DC 20090-0976. 1-800-THE IACP. Fax: (703) 836-4543. Web: <www.theiacp.org>.

**International Conference of Police Chaplains,** c/o Cathy Walker, Registrar, P.O. Box 5590, Destin, FL 32540. (850) 654-9736. Fax: (850) 654-9742. E-mail: icpc@compuserve.com. Web:

<www.ICPCATS99@aol.com>.

**Investigation Training Institute,** P.O. Box 770579, Orlando, FL 32877-0579. (407) 816-7273. Fax: (407) 816-7232. Web: <www.investigationtraining.com>.

**National Center for Prosecution of Child Abuse,** American Prosecutors Research Institute, 99 Canal Center Plaza, Suite 510, Alexandria, VA 22314. (703) 739-0321. Fax: (703) 836-3195.

**National Criminal Justice Association,** 444 N. Capitol St., NW, #618, Washington, DC 20001. Fax: (202) 508-3859. Web: <www.sso.org/neja>.

**National White Collar Crime Center,** 11 Commerce Dr., Suite 200, Morgantown, WV

26505. 1-800-221-4424, ext. 45. Fax: (304) 291-2282. Web: <www.summit.nw3c.org>.

**New England Institute of Law Enforcement Management,** P.O. Box 57350, Babson Park, MA 02157-0350. (617) 237-4724. Web: <http://www.tiac.net/users/gbnrke/nelem.html>.

**Police Futurists International,** c/o Council Dave Pettinari, Pueblo County Sheriff's Office, Pueblo, Colo. (719) 583-6410. E-mail: pettinari@pueblo.org. Web: <www.policefuturists.org>.

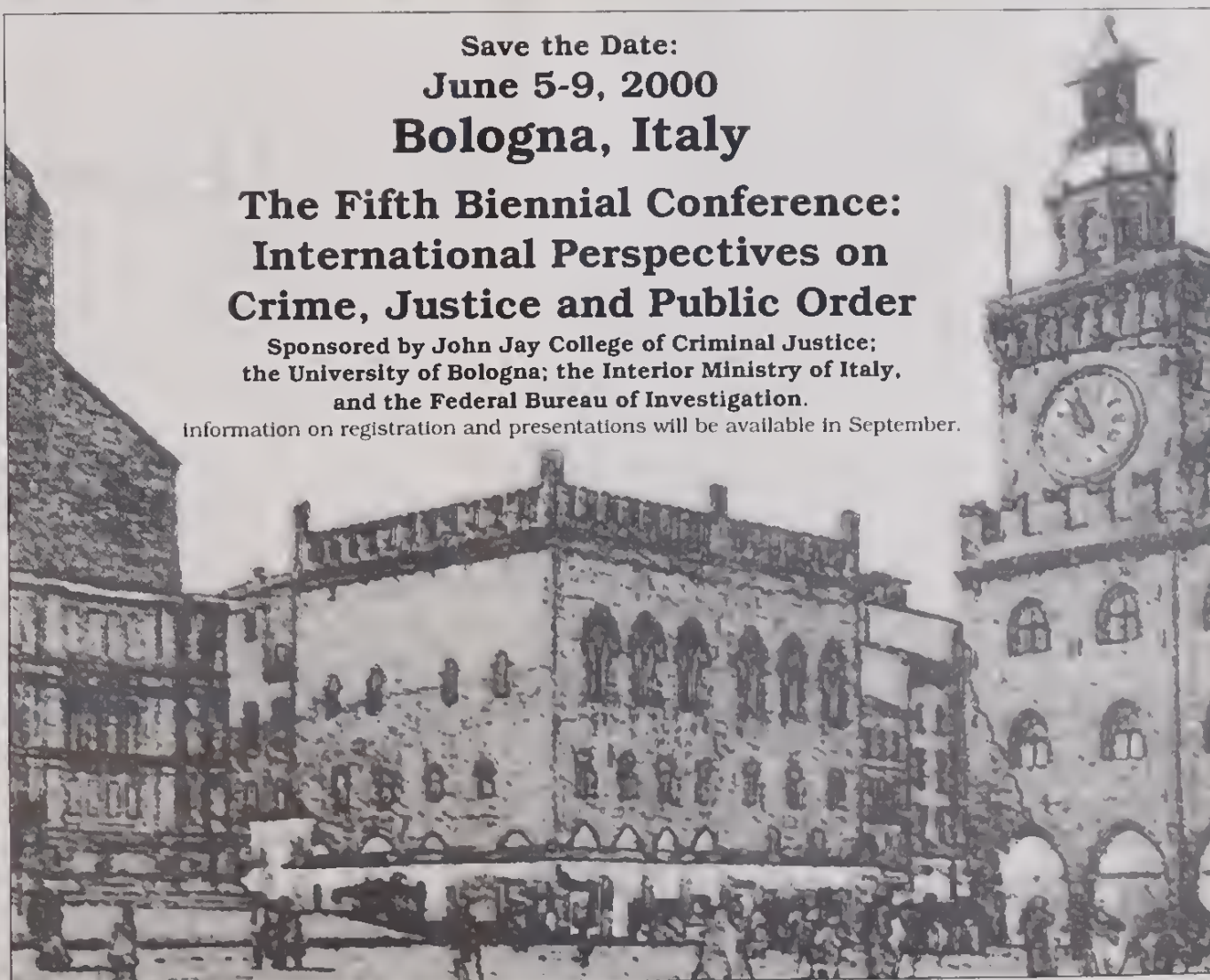
**Southwestern Law Enforcement Institute,** P.O. Box 830707, Richardson, TX 75083. 0707 (972) 664-3471. Fax: (972) 699-7172. Web: <http://web2.annual.net/sli/sli.html>.

## Save the Date: June 5-9, 2000 Bologna, Italy

### The Fifth Biennial Conference: International Perspectives on Crime, Justice and Public Order

Sponsored by John Jay College of Criminal Justice;  
the University of Bologna; the Interior Ministry of Italy,  
and the Federal Bureau of Investigation.

Information on registration and presentations will be available in September.





# Law Enforcement News

Vol. XXV, Nos. 511, 512

A publication of John Jay College of Criminal Justice/CUNY

May 15/31, 1999

## If it's broken, fix it!



A special LEN  
interview with Prof.  
George Kelling,  
pioneer of the "broken  
windows" thesis of  
crime control & order  
maintenance. **Page 8.**

## Life after Littleton:

- "We are all on the hook."
- To prevent school violence, we have to do what works.

**Forum, Page 13.**

John Jay College of Criminal Justice/CUNY  
Law Enforcement News  
555 West 57th Street  
New York, NY 10019

NON-PROFIT ORG.  
U.S. POSTAGE  
PAID  
New York, N.Y.  
Permit No. 1302

### What They Are Saying:

**"It's a stalking horse that is actually erroneous. It sounds like it makes sense, but if you look at the facts, it doesn't really pan out."**

— Dr. Gerald W. Lynch, president of John Jay College of Criminal Justice, refuting the latest claim that a college-degree requirement for police discriminates against minorities. (Story, Page 1.)